

## Maine Revised Statutes

### Title 17: CRIMES

#### Table of Contents

Chapter 1. ABDUCTION.....	5
Chapter 5. ADULTERY.....	6
Chapter 7. ARSON.....	7
Chapter 8. ARSON.....	8
Chapter 9. ASSAULT AND BATTERY.....	9
Chapter 11. ATTEMPTS.....	10
Chapter 13. BEANO AND BINGO.....	11
Chapter 13-A. BEANO OR BINGO.....	13
Chapter 14. GAMES OF CHANCE.....	30
Chapter 15. BIGAMY.....	34
Chapter 17. BLACKLISTING.....	35
Chapter 19. BLASPHEMY AND PROFANITY.....	36
Chapter 21. BOMBS.....	37
Chapter 23. BOXING AND PRIZEFIGHTS.....	38
Chapter 25. BRIBERY AND CORRUPTION.....	39
Chapter 27. BUCKET SHOPS.....	40
Chapter 29. BUDGET PLANNING BUSINESS.....	41
Chapter 31. BURGLARY.....	42
Chapter 33. CHAMPERTY.....	44
Chapter 35. CHILDREN.....	45
Chapter 37. COMPOUNDING FELONIES.....	47
Chapter 39. CONSPIRACY.....	48
Chapter 41. CRIME AGAINST NATURE.....	49
Chapter 42. ANIMAL WELFARE .....	50
Subchapter 1. GENERAL PROVISIONS .....	50
Subchapter 2. POSSESSION OF ANIMALS .....	55
Subchapter 3. CRUELTY TO ANIMALS .....	62
Subchapter 4. EUTHANASIA OF CATS AND DOGS .....	74
Chapter 43. CRUELTY TO ANIMALS .....	77
Subchapter 1. GENERAL PROVISIONS .....	77
Subchapter 2. INJURING OR KILLING .....	78
Subchapter 3. FIGHTING OR BAITING .....	79

Subchapter 4. TRANSPORTATION .....	79
Subchapter 5. ENFORCEMENT AND JURISDICTION .....	80
Subchapter 6. EUTHANASIA OF CATS AND DOGS .....	81
Chapter 45. DEAD BODIES AND GRAVES.....	83
Chapter 47. DISCRIMINATION.....	84
Subchapter 2. MODEL WHITE CANE LAW.....	84
Chapter 49. DUELING .....	88
Chapter 51. ESCAPES.....	89
Chapter 53. FALSE PERSONATION.....	90
Chapter 54. FELONY.....	91
Chapter 55. FORGERY AND COUNTERFEITING.....	92
Chapter 57. FORNICATION.....	94
Chapter 59. FRAUD AND FALSE PRETENSES.....	95
Subchapter 1. GENERAL PROVISIONS.....	95
Subchapter 2. COMMERCIAL FRAUDS.....	101
Article 1. BILLS OF LADING.....	101
Article 2. WAREHOUSE RECEIPTS.....	102
Subchapter 3. MARITIME FRAUDS.....	103
Chapter 61. GAMBLING.....	105
Chapter 62. GAMES OF CHANCE.....	107
Chapter 63. INCEST.....	127
Chapter 65. INDECENT EXPOSURE.....	128
Chapter 67. INDECENT LIBERTIES.....	129
Chapter 69. INTOXICATION.....	130
Chapter 70. SALVIA DIVINORUM.....	138
Chapter 71. KIDNAPPING.....	141
Chapter 73. LARCENY AND EMBEZZLEMENT.....	142
Chapter 75. LASCIVIOUS COHABITATION AND LEWDNESS.....	144
Chapter 77. LIBEL AND SLANDER.....	145
Chapter 79. LITTERING AND DUMPING.....	146
Chapter 80. LITTER CONTROL.....	147
Chapter 81. LOTTERIES.....	158
Chapter 82. MACHINE GUNS.....	160
Chapter 83. MALICIOUS MISCHIEFS.....	161
Subchapter 1. PUBLIC UTILITIES.....	161
Subchapter 2. RAILROADS.....	161
Subchapter 3. SIGNS, MARKS AND MONUMENTS.....	162

Subchapter 4. MISCELLANEOUS.....	162
Chapter 85. MANSLAUGHTER.....	170
Chapter 87. MAYHEM.....	171
Chapter 89. MURDER.....	172
Chapter 91. NUISANCES.....	173
Subchapter 1. GENERAL PROVISIONS.....	173
Subchapter 2. COMMON NUISANCES.....	175
Subchapter 3. PARTICULAR NUISANCES.....	177
Subchapter 4. DANGEROUS BUILDINGS.....	181
Chapter 92. CHILD PROTECTION ACT.....	186
Chapter 93. OBSCENITY.....	187
Chapter 93-A. OBSCENITY.....	188
Chapter 93-B. SEXUAL EXPLOITATION OF MINORS .....	191
Chapter 93-C. INTERFERENCE WITH CONSTITUTIONAL AND CIVIL RIGHTS .....	192
Chapter 95. OBSTRUCTING JUSTICE.....	193
Chapter 97. PERJURY AND SUBORNATION OF PERJURY.....	194
Chapter 99. PROSTITUTION AND DISORDERLY HOUSES.....	195
Chapter 101. PUBLIC OFFICES AND OFFICERS.....	197
Chapter 103. RAPE AND CARNAL KNOWLEDGE.....	198
Chapter 105. RELIGIOUS ASSEMBLIES, HOLY DAYS AND HOLIDAYS.....	199
Subchapter 1. HOLY DAYS.....	199
Subchapter 2. HOLIDAYS.....	204
Subchapter 3. RELIGIOUS ASSEMBLIES.....	204
Subchapter 4. ENFORCEMENT.....	204
Chapter 106. CONVENIENCE STORE OPERATION .....	205
Chapter 107. RIOTS AND UNLAWFUL ASSEMBLIES.....	206
Chapter 109. ROBBERY.....	207
Chapter 111. SALE OR POSSESSION OF UNWHOLESOME FOOD OR DRINK.....	208
Chapter 112. INHALATION OF CERTAIN VAPORS.....	210
Chapter 113. SHOPLIFTING.....	211
Chapter 114. DETENTION OF CERTAIN PERSONS SUSPECTED OF STEALING .....	212
Chapter 115. STOLEN GOODS.....	213
Chapter 117. STRIKES AND VIOLENCE AGAINST UTILITIES, RAILROADS AND PLANTS.....	214

<b>Chapter 119. SUBVERSIVE ACTIVITIES.....</b>	<b>216</b>
<b>Chapter 121. THREATS AND EXTORTION.....</b>	<b>217</b>
<b>Chapter 123. TRAMPS AND VAGRANTS.....</b>	<b>218</b>
<b>Chapter 125. TREASON.....</b>	<b>219</b>
<b>Chapter 127. TRESPASS.....</b>	<b>220</b>
<b>Chapter 129. UNPROTECTED WELLS.....</b>	<b>224</b>
<b>Chapter 131. MISCELLANEOUS CRIMES.....</b>	<b>225</b>
<b>Chapter 132. DEFINITIONS.....</b>	<b>228</b>

# **Title 17: CRIMES**

## **Chapter 1: ABDUCTION**

### **§1.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§2.**

***(REPEALED)***

SECTION HISTORY

1971, c. 539, §1 (NEW). 1975, c. 499, §5 (RP).

### **§51. PENALTY; ATTEMPTS**

***(REPEALED)***

SECTION HISTORY

1979, c. 405, §1 (RP).

### **§52. MOTHER'S CONCEALMENT OF DEATH OF ILLEGITIMATE ISSUE**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §§5-A (RP).

### **§53. CONTRACEPTIVES; MISCELLANEOUS INFORMATION FOR FEMALES**

***(REPEALED)***

SECTION HISTORY

1967, c. 78, (RP).

## Chapter 5: ADULTERY

### **§101.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 7: ARSON

### §151.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §152.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §153.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §154.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §155.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §156.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

### §157.

*(REPEALED)*

SECTION HISTORY

1967, c. 410, §1 (RP).

## Chapter 8: ARSON

### §161.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).

### §162.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).

### §163.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1971, c. 95, (AMD). 1975, c. 499, §5 (RP).

### §163-A.

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §2 (NEW). 1975, c. 499, §5 (RP).

### §164.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).

### §165.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).

### §166.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).

### §167.

*(REPEALED)*

#### SECTION HISTORY

1967, c. 410, §2 (NEW). 1975, c. 499, §5 (RP).



## Chapter 9: ASSAULT AND BATTERY

### **§201.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§201-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §3 (NEW). 1975, c. 499, §5 (RP).

### **§202.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§203.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §4 (NEW). 1975, c. 499, §5 (RP).

## Chapter 11: ATTEMPTS

### **§251.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§252.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §5 (NEW). 1975, c. 499, §5 (RP).

## Chapter 13: BEANO AND BINGO

### §301.

*(REPEALED)*

#### SECTION HISTORY

1965, c. 8, §1 (AMD). 1973, c. 393, (AMD). 1973, c. 625, §88 (AMD).  
1975, c. 307, §1 (RP).

### §301-A.

*(REPEALED)*

#### SECTION HISTORY

1973, c. 565, §§1,6 (NEW). 1973, c. 735, §1 (RP).

### §302.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 307, §1 (RP).

### §303.

*(REPEALED)*

#### SECTION HISTORY

1973, c. 102, (AMD). 1973, c. 565, §§2,6 (AMD). 1975, c. 307, §1 (RP).

### §303-A.

*(REPEALED)*

#### SECTION HISTORY

1965, c. 8, §2 (NEW). 1973, c. 565, §§3,6 (AMD). 1975, c. 307, §1 (RP).

### §304.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 307, §1 (RP).

### §305.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 307, §1 (RP).

### §306.

*(REPEALED)*

#### SECTION HISTORY

1973, c. 565, §§4,6 (AMD). 1973, c. 735, §2 (AMD). 1975, c. 307, §1 (RP).

**§307.**

*(REPEALED)*

## SECTION HISTORY

1975, c. 307, §1 (RP).

## Chapter 13-A: BEANO OR BINGO

### §311. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1975, c. 307, §2 (NEW).]

**1. Beano.** "Beano" means a specific kind of group game of chance, regardless of whether such a game is characterized by another name. Wherever the term "beano" is used, the word "bingo" or any other word used to characterize such a game may be interchanged. In "beano," each participant is given or sold one or more tally cards, so-called, each of which contains preprinted numbers or letters and may or may not be arranged in vertical or horizontal rows. The participant covers or marks the numbers or letters as objects similarly numbered or lettered are drawn from a receptacle and the winner or winners are determined by the sequence in which those objects are drawn. The manner in which the winner is determined must be clearly announced or displayed before any game is begun. Until July 1, 1994, a game described in this subsection is "beano" and a licensee may conduct such a game regardless of whether the manner of determining the winner is specifically described as a permissible manner of determining the winner in rules adopted by the Chief of State Police.

[ 1991, c. 796, §2 (AMD) . ]

**1-A. Commercial beano hall permit.** "Commercial beano hall permit" means written authority from the Chief of the State Police issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "beano."

[ 1999, c. 74, §1 (NEW) . ]

**1-B. Chief of State Police.** "Chief of the State Police" or "chief" means the Chief of the State Police or the chief's designee.

[ 2001, c. 342, §1 (NEW) . ]

**2. Equipment.** "Equipment" shall mean the receptacle and numbered objects to be drawn from it; the master board upon which such objects are placed as drawn; the tally cards or sheets bearing such numbers to be covered and the objects used to cover them; the boards or signs, however operated, used to display the numbers as they are drawn; public address systems; and any other articles essential to the operation, conduct and playing of "Beano."

[ 1975, c. 307, §2 (NEW) . ]

**3. License.** "License" shall mean that written authority from the Chief of the State Police to hold, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State of Maine. A location permit must accompany the license to be valid.

[ 1975, c. 307, §2 (NEW) . ]

**4. Licensee.** "Licensee" shall mean any organization which has been granted a license by the Chief of the State Police to hold, conduct or operate "Beano" or "Bingo."

[ 1975, c. 307, §2 (NEW) . ]

**5. Location permit.** "Location permit" shall mean that card issued by the Chief of the State Police, describing the premises or area in which "Beano" may be conducted. Such location permit must be accompanied by a license. Only such locations expressly described in the location permit shall be used for the conduct of any game.

[ 1975, c. 307, §2 (NEW) .]

**6. Organization.** "Organization" shall mean any firm, association or corporation authorized to conduct "Beano" in accordance with this chapter.

[ 1975, c. 307, §2 (NEW) .]

**7. Period.** "Period" shall mean the number of calendar weeks authorized by a single license for the operation of "Beano" or "Bingo."

[ 1975, c. 307, §2 (NEW) .]

**7-A. Permittee.** "Permittee" means an individual, corporation, partnership or unincorporated association that rents or leases a building or facilities for profit to a licensee to hold, conduct or operate "beano."

[ 1999, c. 74, §1 (NEW) .]

**7-B. Wild number beano.** "Wild number beano" means a beano occasion, game or series of beano games in which a number is picked or denoted as a wild number that may be used to fill any number or letter on a beano card.

[ 1999, c. 419, §1 (NEW) .]

**8. Winner-take-all round.** "Winner-take-all round" means a beano game or series of beano games in which all the proceeds from the sale of the cards for that round are paid to participants as prizes during that round.

[ 1987, c. 197, §1 (NEW) .]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1979, c. 272, (AMD). 1987, c. 197, §1 (AMD).  
1991, c. 426, §1 (AMD). 1991, c. 796, §2 (AMD). 1999, c. 74, §1 (AMD).  
1999, c. 419, §1 (AMD). 2001, c. 342, §1 (AMD).

## §312. LICENSE REQUIRED; RESTRICTED HOURS

**1. License required.** A person, firm, association or corporation may not hold, conduct or operate the amusement commonly known as "beano" or "bingo" for the entertainment of the public within the State unless that person, firm, association or corporation has obtained a license from the Chief of the State Police.

[ 2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Aiding and abetting.** A person, firm, association or corporation may not aid or abet in violation of subsection 1.

[ 2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Restricted hours.** A person, firm, association or corporation may not conduct "beano" or "bingo" on Christmas or between the hours of 12 midnight and 7 a.m. A person, firm, association or corporation may not conduct "beano" or "bingo" on Sunday, except after the hour of 11 a.m. The prevailing time for the State is used to determine these hours.

[ 2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Penalty.** A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[ 2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Application.** This chapter may not be construed to apply to any other amusement or game.

[ 2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1985, c. 449, §1 (AMD). 1991, c. 426, §2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I2 (RPR).

### §313. APPLICATION

Any organization desiring to conduct such an amusement shall apply to the Chief of the State Police for a license pursuant to the provisions set forth in this section. The application shall be on forms provided by the Chief of the State Police, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct the amusement and shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement. [1975, c. 307, §2 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW).

### §313-A. EXEMPTION FOR ELDERLY

Clubs, groups or organizations, composed of individuals at least 90% of whom are 62 years of age or older, that operate "beano" or "bingo" games for their own entertainment and recreation and not for profit, are exempt from application and licensing provisions of this chapter. [1989, c. 825, §1 (AMD).]

#### SECTION HISTORY

1981, c. 166, (NEW). 1989, c. 825, §1 (AMD).

### §314. ISSUANCE OF LICENSE; FEES

The Chief of the State Police may issue licenses to operate beano or bingo games to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence and founded, chartered or organized in the State at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of that organization by duly authorized members. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary was founded, chartered or organized in this State and has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 1838. The 2 years' limitation does not apply to any

organizations in this State having a charter from a national organization, or auxiliaries of those organizations, even though the organizations have not been in existence for 2 years prior to their application for a license. The 2 years' limitation does not apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association. [2009, c. 487, Pt. B, §5 (AMD).]

The fee for such a license to any nonprofit organization is \$12.00 for each calendar week, or portion thereof, that the amusement is to be operated, or the license may be issued for a calendar month for a fee of \$36.00 or a calendar year for a fee of \$400. A special per-game license may be issued to any qualified nonprofit organization for the purposes of operating a game of "beano" or "bingo" for a fee of \$5.00. The special per-game license may not be issued more than 6 times to any one organization in a calendar year. All license fees must be paid to the Treasurer of State to be credited to the General Fund. A license is not assignable or transferable. Nothing contained in this section may be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious, veterans' organization or auxiliary of any of them from obtaining licenses for a period not to exceed 6 months on one application. No more than one license may be issued to any organization for any one period. Except as provided in section 315-A, no more than one licensee may operate or conduct a game of "beano" or "bingo" on the same premises on the same date. [2013, c. 305, §1 (AMD).]

All fees required by this chapter shall accompany the application for a license. Fees submitted as license fees shall be refunded if the license is not issued. Fees shall not be refunded for unused licenses or for any license which is suspended or revoked as provided by this chapter. [1975, c. 307, §2 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1977, c. 696, §365 (AMD). 1981, c. 395, (AMD). 1983, c. 610, (AMD). 1987, c. 197, §2 (AMD). 1991, c. 87, §§1,2 (AMD). 1991, c. 528, §H1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §H1 (AMD). 1993, c. 45, §1 (AMD). 1995, c. 677, §4 (AMD). 1997, c. 684, §1 (AMD). 1999, c. 63, §1 (AMD). 2009, c. 487, Pt. B, §5 (AMD). 2013, c. 305, §1 (AMD).

### §314-A. HIGH-STAKES BEANO

**1. Eligible organizations.** The Chief of the State Police may issue licenses to operate high-stakes beano or high-stakes bingo to a federally recognized Indian tribe.

A. The Chief of the State Police may also issue, to a federally recognized tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A. [2003, c. 452, Pt. I, §3 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

B. In conjunction with the operation of high-stakes beano, federally recognized Indian tribes holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 1837. Any prize awarded under this paragraph may be awarded only on the basis of a ticket of admission to the high-stakes beano game and may only be awarded to a person who holds an admission ticket. [2009, c. 487, Pt. B, §6 (AMD).]

The Chief of the State Police may not issue more than one license under this section to a federally recognized Indian tribe for the same period.

[ 2009, c. 487, Pt. B, §6 (AMD) .]

**1-A. Sealed tickets.** The Chief of the State Police may also issue to any federally recognized Indian tribe licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A. The licensee may operate a dispenser to sell the lucky seven or other similar tickets. As used in this subsection, "dispenser" means a mechanical or electrical device or machine that, upon the insertion of money, credit or something



of value, dispenses printed lucky seven or other similar tickets. The element of chance must be provided by the ticket itself, not by the dispenser. The Chief of the State Police may adopt rules to facilitate the use of dispensers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 505, §1 (AMD) .]

**2. Limit on prizes.** Notwithstanding section 317, there is no limit on the value of a single prize or total prizes awarded on any one occasion for high-stakes beano games operated under this section.

[ 1987, c. 197, §§3, 7 (NEW); 1991, c. 426, §8 (AFF) .]

**2-A. Attendance prizes.** In conjunction with the operation of high-stakes beano, a federally recognized Indian tribe holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 1837. A prize awarded under this subsection may be awarded only on the basis of a ticket of admission to the high-stakes beano game and may be awarded only to a person who holds an admission ticket.

[ 2009, c. 487, Pt. B, §7 (AMD) .]

**3. Twenty-seven weekends per year.** An organization licensed under this section may operate high-stakes beano games on 27 weekends per year, whether or not consecutive. For purposes of this section, a weekend consists of Saturday and the immediately following Sunday. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days prior notice of the new date is given to the Chief of the State Police.

[ 1991, c. 426, §4 (RPR) .]

**3-A. Exception.** Notwithstanding subsection 3, an organization licensed under this section may operate high-stakes beano or high-stakes bingo games on New Year's Eve and New Year's Day.

[ 2003, c. 452, Pt. I, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-B. Thirty events per year.** An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the Chief of the State Police.

[ 2011, c. 410, §1 (NEW) .]

**4. Term of license; fees.** A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, except that the annual license fee due in 2008 to 2013 is \$25,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

[ 2011, c. 410, §2 (AMD) .]

**5. Restrictions; penalty.** A licensee may not:

A. Transfer or assign a license issued under this section; [2003, c. 452, Pt. I, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Operate or conduct a beano game or high-stakes beano game on the same premises on the same date as another licensee; or [2003, c. 452, Pt. I, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Conduct a game outside the Indian Territory of the licensed organization or for the Houlton Band of Maliseet Indians outside of the parcel of land listed in the Aroostook County Registry of Deeds Book 4302, page 168 except that the Passamaquoddy Tribe may conduct a game in the City of Calais as approved by the municipality. [2011, c. 410, §3 (AMD).]

A licensee who violates this subsection commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[ 2011, c. 410, §3 (AMD) .]

**6. Applicability of chapter.** Except when in direct conflict with this section or as specifically provided, all other provisions of this chapter and rules adopted under this chapter apply to licenses for high-stakes beano issued under this section. Any rule requiring operators calling the numbers to be seated on the same floor level as the players does not apply to high-stakes beano.

[ 1991, c. 426, §5 (AMD) .]

**7. Payment for services.** Except as provided in paragraph A, an organization licensed under this section may pay the persons operating the high-stakes beano games for the organization no more than 200% of the minimum wage as established by Title 26, chapter 7, subchapter III. The persons need not be members of an organization licensed under this section.

A. An organization licensed under this section may contract for provision of professional legal, advertising, accounting and auditing services. The persons employed under a contract entered into under this paragraph may receive reasonable professional fees at a rate higher than minimum wage. [1987, c. 197, §§3, 7 (NEW); 1991, c. 426, §8 (AFF).]

[ 1987, c. 679, §1 (AMD); 1991, c. 426, §§8-10 (AFF) .]

**8. Report.** Beginning January 15, 1992, any federally recognized Indian tribe licensed to conduct high-stakes beano under this section must submit a quarterly report on the operation of high-stakes beano to the joint standing committee of the Legislature having jurisdiction over legal affairs matters. The report must include information on the number of persons playing high-stakes beano during the preceding calendar quarter, the funds collected for high-stakes beano, the total amount awarded in prizes, including prizes for attendance and any other information provided to the Bureau of State Police regarding the operation of high-stakes beano.

[ 1991, c. 426, §6 (NEW) .]

## **9. Exception.**

[ 2003, c. 452, Pt. I, §7 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

1987, c. 197, §3 (NEW). 1987, c. 197, §7 (RP). 1987, c. 547, §§1,2 (AMD). 1987, c. 679, §1 (AMD). 1989, c. 502, §§B63,B68 (AMD). 1991, c. 426, §§3-6 (AMD). 1991, c. 426, §§8-10 (AFF). 2001, c. 295, §1 (AMD). 2003, c. 452, §§I3-7 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 109, §1 (AMD). 2009, c. 347, §1 (AMD). 2009, c. 487, Pt. B, §§6, 7 (AMD). 2009, c. 505, §1 (AMD). 2009, c. 534, §1 (AMD). 2011, c. 410, §§1-3 (AMD).

## §314-B. WINNER-TAKE-ALL BEANO ROUNDS

**1. Eligible organizations.** An organization licensed under section 314 may operate one winner-take-all round per occasion.

[ 1987, c. 197, §4 (NEW) .]

**2. Prizes.** Notwithstanding the prize limits in section 317, an organization operating a winner-take-all round under this section shall pay all proceeds from each winner-take-all round as prizes, provided no winner receives more than \$500.

[ 1987, c. 197, §4 (NEW) .]

### SECTION HISTORY

1987, c. 197, §4 (NEW).

## §314-C. WILD NUMBER BEANO

An organization licensed under section 314 may conduct wild number beano during any beano occasion. The wild number must be announced at the beginning of a wild number beano game or at the beginning of each game conducted as part of a series. [1999, c. 419, §2 (NEW) .]

### SECTION HISTORY

1999, c. 419, §2 (NEW).

## §315. SEASONAL LICENSES

Notwithstanding sections 314 and 319, the Chief of the State Police may issue up to 10 seasonal licenses to operate beano or bingo games in a calendar year, including those designed to attract players under 16 years of age, in bona fide resort hotels as long as the conditions prescribed by this section are met. For the purposes of this section, "resort hotel" means a full-service hotel facility that offers leisure or recreational activities such as golf, tennis, water sports or horseback riding. [2011, c. 339, §1 (RPR) .]

**1. Operated on-site.** The beano or bingo games must be operated and conducted in those resort hotels by the management without profit and solely for the entertainment of registered guests or patrons of that resort hotel.

[ 2011, c. 339, §1 (NEW) .]

**2. Player fee prohibited.** A licensee under this section may not charge an entry fee or any fee to participate in a beano or bingo game.

[ 2011, c. 339, §1 (NEW) .]

**3. Minors.** Prizes awarded for the play of beano or bingo under this section must be nonmonetary and valued at less than \$10 and may be awarded to a single player no more than once every 24 hours. Notwithstanding section 319, a person under 16 years of age may be admitted to the playing area without an adult and may participate in the game as long as the game is not conducted in a room or area where alcoholic beverages are served. Beano or bingo games under this section may not be conducted with any other gambling activity, including games of chance under chapter 62. For purposes of this subsection, "nonmonetary prize" includes a credit for food served on the premises of the resort hotel.

[ 2011, c. 339, §1 (NEW) .]

The fee for a license issued pursuant to this section is \$10 and must be paid to the Treasurer of State to be credited to the General Fund. A hotel or liquor license of a resort hotel licensee may not be withheld because of the conducting by the resort hotel of beano or bingo games. [2011, c. 339, §1 (NEW).]

Nothing in this section permits the operation or conduct of beano or bingo games without a license. [2011, c. 339, §1 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 2011, c. 339, §1 (RPR).

### §315-A. LIMITED DUAL BEANO LICENSE

The Chief of the State Police may issue a limited dual beano license to 2 organizations eligible for a regular license to conduct a game of beano. A limited dual beano license permits 2 organizations to conduct beano jointly on the same date and at the same location. An organization may only conduct beano under the authority of a dual license on 2 occasions during a calendar year. The following provisions apply to licensure under this section. [2013, c. 305, §2 (NEW).]

**1. Application.** The 2 organizations wishing to conduct beano jointly shall submit an application to the Chief of the State Police in a manner prescribed by the chief.

[ 2013, c. 305, §2 (NEW) .]

**2. Lead applicant.** One organization must be identified as the lead applicant and acknowledge responsibility for any violation of the laws or rules governing beano committed during the conduct of the game.

[ 2013, c. 305, §2 (NEW) .]

**3. Disposition of revenue.** Revenue received from the conduct of the game must be divided in equal amounts between both organizations. Each organization shall file a disposition of funds report as if that organization had conducted beano independently.

[ 2013, c. 305, §2 (NEW) .]

**4. License fee.** The license fee for a limited dual beano license is \$12.

[ 2013, c. 305, §2 (NEW) .]

**5. Sealed tickets.** A limited dual beano license does not authorize the licensed organizations to sell sealed tickets jointly.

[ 2013, c. 305, §2 (NEW) .]

**6. Application of other laws.** Unless otherwise provided by this section, the provisions of this chapter and rules adopted in accordance with this chapter apply to beano games conducted under a limited dual beano license.

[ 2013, c. 305, §2 (NEW) .]

#### SECTION HISTORY

2013, c. 305, §2 (NEW).

## §316. EVIDENCE

The Chief of the State Police may require such evidence as the chief may determine necessary to satisfy the chief that an applicant or organization licensed to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which organizations were founded must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of beano by a licensee to determine compliance with this chapter. [2001, c. 538, §1 (AMD).]

### SECTION HISTORY

1975, c. 307, §2 (NEW). 2001, c. 538, §1 (AMD).

## §317. RULES AND REGULATIONS

The Chief of the State Police may adopt rules, not inconsistent with law, that are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo" and for the permitting and operation of commercial beano halls. The Chief of the State Police may regulate, supervise and exercise general control over the operation of such amusement and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the Chief of the State Police concerning the value of prizes that may be awarded must include a provision that no single prize may exceed \$400 in value and that no more than \$1,400 in total prizes may be awarded on any one occasion except that once per calendar year on one occasion a licensee may award up to \$2,000 in total prizes. In establishing such rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, the Chief of the State Police must, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable: [2011, c. 301, §1 (AMD).]

**1. Fraud.** The practice of any fraud or deception upon a participant in a game of "beano" or "bingo;" [ 1975, c. 307, §2 (NEW) .]

**2. Unsafe premises.** The conduct of "beano" in, at or upon premises which may be unsafe due to fire hazard or other such conditions; [ 1975, c. 307, §2 (NEW) .]

**3. Advertising; solicitation and enticement.** Advertising which is obscene, solicitation on a public way of persons to participate in "beano," charging admission or awarding prizes for attendance. [ 1975, c. 307, §2 (NEW) .]

### SECTION HISTORY

1975, c. 307, §2 (NEW). 1985, c. 180, (AMD). 1997, c. 684, §2 (AMD). 1999, c. 74, §2 (AMD). 2011, c. 301, §1 (AMD).

## §317-A. INVESTIGATIONS; ACTIONS ON LICENSES

**1. Chief of the State Police.** The Chief of the State Police may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or commercial beano hall permits; [1999, c. 74, §3 (AMD).]

B. Suspend, revoke or refuse to issue a license, after notice of the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee or licensee's agent or employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure pursuant to this chapter; [ 2001, c. 342, §2 (AMD) . ]

C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39; [ 1999, c. 74, §3 (AMD) . ]

D. Suspend or revoke a commercial beano hall permit, after notice of the opportunity for hearing, if a permittee or permittee's employee commits murder or a Class A, B or C crime or violates a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39; [ 2001, c. 342, §2 (AMD) . ]

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39; and [ 2001, c. 342, §2 (AMD) . ]

F. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the chief, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court. [ 2001, c. 342, §2 (NEW) . ]

[ 2001, c. 342, §2 (AMD) . ]

**2. Licensing action after notice and opportunity for hearing.** The Chief of the State Police shall notify the applicant, licensee or permittee in writing, before a license or permit is denied, suspended or revoked pursuant to subsection 1, paragraph B or D, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's, licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee or permittee is notified of the proposed denial, suspension or revocation. The suspension or revocation action must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[ 2001, c. 342, §2 (AMD) . ]

**3. Immediate suspension or revocation.** A licensee whose license or permittee whose permit is immediately suspended or revoked by the Chief of the State Police pursuant to subsection 1, paragraph C or E must be notified in writing of the duration of the suspension or revocation and the licensee's or the permittee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall

provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 48 hours after the licensee or permittee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

[ 1999, c. 74, §3 (AMD) .]

#### SECTION HISTORY

1997, c. 684, §3 (NEW). 1999, c. 74, §3 (AMD). 2001, c. 342, §2 (AMD).

### §318. EXPENSE OF ADMINISTRATION

The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter. [1975, c. 307, §2 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW).

### §319. PERSONS UNDER 16

Persons under the age of 16 years shall not be permitted to take part in the conduct of, nor participate in, the game of "Beano" or "Bingo," nor shall such minor be admitted to the playing area unless accompanied by parent, guardian or other responsible person. [1975, c. 307, §2 (NEW).]

No "Beano" or "Bingo" games licensed under this chapter shall be conducted unless some person at least 18 years of age, who has been a member in good standing of the licensee for at least 2 years, exercises exclusive control of each game played. [1975, c. 307, §2 (NEW).]

No license for the conduct of "Beano" or "Bingo" shall be issued to any firm, association, corporation or group composed wholly or primarily of minors. [1975, c. 307, §2 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW).

### §320. CONDUCT OF BEANO

**1. Liquor prohibited.** A licensee may not conduct "beano" or "bingo" in the same room where liquor is sold, served or consumed during the period of one hour before the conduct of the games.

[ 2003, c. 452, Pt. I, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Disorderly persons prohibited.** A licensee may not permit a disorderly person to enter or remain within the room or area where "beano" or "bingo" games are being conducted.

[ 2003, c. 452, Pt. I, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Penalty.** A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[ 2003, c. 452, Pt. I, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1987, c. 197, §5 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I8 (RPR).

### §321. EFFECT OF OTHER LAWS

All acts and parts of acts inconsistent herewith shall be inoperative as to this chapter, and the share of the State stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of "Beano" or "Bingo." [1975, c. 307, §2 (NEW).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW).

### §322. REPORTS

The Chief of the State Police shall require from any organization licensed to operate "Beano" or "Bingo" and any individual, corporation, partnership or unincorporated association that has a permit to operate a commercial beano hall whatever reports the chief determines necessary for the purpose of the administration and enforcement of this chapter. [1999, c. 74, §4 (AMD).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1999, c. 74, §4 (AMD).

### §323. ACCESS TO PREMISES

An organization making application to the Chief of the State Police to conduct or operate "Beano" or "Bingo," an organization licensed under this chapter to operate "Beano" or "Bingo," a commercial beano hall permit applicant or a commercial beano hall permittee shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" or "Bingo" by the Chief of the State Police or the chief's authorized representative. [1999, c. 74, §5 (AMD).]

The licensee or permittee shall permit at any time an inspector from the Department of Public Safety or the city or town fire inspectors of the municipality in which "Beano" is being conducted to enter and inspect the premises. [1999, c. 74, §5 (AMD).]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1997, c. 728, §7 (AMD). 1999, c. 74, §5 (AMD).

### §324. GAMES OF CHANCE PROHIBITED AT "BEANO" LOCATIONS

*(REPEALED)*

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1987, c. 679, §2 (AMD). 1991, c. 426, §7 (AMD). 1997, c. 373, §8 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I9 (RP).

### §324-A. GAMES OF CHANCE PROHIBITED AT "BEANO" LOCATIONS

**1. Games of chance where "beano" located.** A person may not conduct a "beano" game at any location where a lottery or other game of chance is conducted.

[ 2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]



**2. Games of chance before "beano."** A person may not conduct a lottery or other game of chance during the period of one hour before the conduct of any "beano" game at the specific location of the "beano" game, except that the following lotteries may be conducted during the period of one hour before the conduct of "beano" games.

A. Lottery tickets issued by the State Liquor and Lottery Commission may be sold when a valid license certificate issued by the commission is properly displayed. [2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Raffle tickets may be sold in accordance with chapter 62. [2009, c. 487, Pt. B, §8 (AMD).]

C. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game. [2007, c. 110, §1 (AMD).]

[ 2009, c. 487, Pt. B, §8 (AMD) .]

**3. Location defined.** For purposes of this section, "location" means the location specified in the location permit.

[ 2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Penalty.** A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[ 2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §110 (NEW). 2003, c. 452, §X2 (AFF). 2007, c. 110, §1 (AMD). 2009, c. 487, Pt. B, §8 (AMD).

## §325. PENALTIES

**1. Violation of chapter or rules; general penalty.** Except as otherwise specifically provided, a person, firm, association or corporation that violates a provision of this chapter or a rule of the Chief of the State Police prescribed by authority of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[ 2003, c. 452, Pt. I, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Commercial beano hall violations.** A person, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "beano" or "bingo" commits a Class E crime if that person, corporation, partnership or unincorporated association:

A. Rents or leases a building or facilities to hold, conduct or operate a "beano" or "bingo" game without a commercial beano hall permit issued by the Chief of the State Police; or [2003, c. 452, Pt. I, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Violates a provision of this chapter or a rule adopted by the Chief of the State Police pursuant to this chapter. [2003, c. 452, Pt. I, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. I, §11 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1975, c. 307, §2 (NEW). 1999, c. 74, §6 (AMD). 2003, c. 452, §X2 (AFF).  
2003, c. 452, §111 (RPR).

## §326. PROCEEDS

### 1. Payment of proceeds.

[ 1993, c. 45, §2 (RP) .]

**1-A. Payment of proceeds.** An organization licensed to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo may use the proceeds or part of the proceeds to:

A. Pay salaries, wages or remuneration to any person directly involved in operating beano, bingo or Lucky 7 games; [1993, c. 45, §3 (NEW) .]

B. Defray the expenses or part of the expenses that further the purpose for which the organization is formed except that proceeds may not be:

(1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or

(2) Paid directly to organization members except as specifically allowed in this subsection; and  
[1993, c. 45, §3 (NEW) .]

C. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application and the application is approved by the licensing division within the Bureau of State Police.

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician setting out the facts in support of the application.

(b) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits. [1993, c. 45, §3 (NEW) .]

[ 1993, c. 45, §3 (NEW) .]

**1-B. Filing.** An organization that chooses to use the proceeds or part of the proceeds as allowed by subsection 1-A must file with the Chief of the State Police, at least quarterly, a form for the disposition of funds prescribed by the Chief of the State Police detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

[ 1993, c. 45, §3 (NEW) .]

**2. Rules.** The rules adopted pursuant to section 317 must contain standards governing payments made under this section. Payments under subsection 1-A, paragraph A may not exceed 20% of the revenue generated by the games and the rules must limit payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues,

the size of the games and the revenue generated by the games. The Chief of the State Police may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds by the organization.

A. [1991, c. 590, (RP).]

B. [1991, c. 590, (RP).]

C. [1991, c. 590, (RP).]

[ 1993, c. 45, §4 (AMD) .]

### 3. Rules.

[ 1991, c. 590, (RP) .]

**4. Posting.** An organization licensed to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo shall post in a conspicuous place in the room or hall where the licensed game is conducted a sign that states: the net revenue earned from the operation of those games in dollars and cents; the amount of charitable donations from that net revenue in dollars and cents; what percentage in dollars and cents of the net revenue that amount represents in donations to nonprofit activities; and what percentage of the net revenue was distributed from licensed games for the previous calendar year and the current calendar year.

[ 1997, c. 684, §4 (NEW) .]

#### SECTION HISTORY

1989, c. 825, §2 (NEW). 1991, c. 590, (RPR). 1993, c. 45, §§2-4 (AMD). 1997, c. 684, §4 (AMD).

## §327. NONSMOKING AREA

The Chief of State Police shall adopt rules that allow a licensee to establish a nonsmoking area within the room or outdoor area where the operator calls the numbers. Visibility and access between the smoking and nonsmoking areas may not be impeded except that a doorway may be installed. Both the smoking and nonsmoking areas must have a public address system and a master board, electric flashboard or chalkboard visible to all players. A member of the licensee must be present during the game in both the smoking and the nonsmoking areas. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. [1997, c. 232, §1 (NEW).]

#### SECTION HISTORY

1997, c. 232, §1 (NEW).

## §328. COMMERCIAL BEANO HALL

**1. Permit required.** An individual, corporation, partnership or unincorporated association may not rent or lease space for profit to a licensee to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the Chief of the State Police.

[ 1999, c. 74, §7 (NEW) .]

**2. Application.** An individual, corporation, partnership or unincorporated association desiring to rent or lease space for profit for the purpose given in subsection 1 shall apply to the Chief of the State Police for a commercial beano hall permit. The application must be on forms provided by the Chief of the State Police, must contain the full name and address of the individual or entity seeking to be permitted and the location of the building or facility to be rented or leased. An applicant who is an individual shall list the individual's

name and address. An applicant that is a corporation, partnership or unincorporated association shall also list the names and addresses of any owners with a 10% or greater interest in the corporation, partnership or unincorporated association seeking the permit.

A. The applicant shall submit 2 fingerprint cards bearing the legible rolled and flat impression of the fingerprints of the owner, if the owner is an individual, of any owner who owns or controls a 50% or greater interest in the corporation, partnership or the unincorporated association, and, of the manager, if the manager is not the owner as previously described, prepared by a state or local public law enforcement agency to be forwarded to the State Bureau of Identification for the purpose of conducting state and national criminal history record checks. [1999, c. 74, §7 (NEW).]

[ 1999, c. 74, §7 (NEW) .]

**3. Renewal; change of ownership or manager.** A permittee seeking to renew a permit shall submit an application, but is not required to submit additional fingerprint cards. The permittee is required to notify the Chief of the State Police of any change in ownership or management of the commercial beano hall. The Chief of the State Police may require additional information or fingerprint submission subsequent to a change in ownership or management.

[ 1999, c. 74, §7 (NEW) .]

**4. Use of criminal history record.** The Chief of the State Police may use state and federal criminal history record information for the purpose of screening applicants. The Chief of the State Police may refuse to issue or renew a permit for an individual, corporation, partnership or unincorporated association if an owner or manager has been found guilty of murder or a Class A, B or C crime or a violation of this chapter or Title 17-A, chapter 15, 29, 37 or 39 or a similar law in another state or jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred.

[ 1999, c. 74, §7 (NEW) .]

**5. Duration of permit and fee.** The Chief of the State Police may issue a commercial beano hall permit for a calendar year for a fee of \$500.

[ 1999, c. 74, §7 (NEW) .]

**6. Membership in licensee organization.** The permittee or the permittee's employee may not be a member of a licensee organization renting or leasing the commercial beano hall.

[ 1999, c. 74, §7 (NEW) .]

**7. Rent or lease amount.** The permittee shall charge a licensee fair market value and may not charge based on the percentage of profit which the licensee makes for the rent or lease of a commercial beano hall.

[ 1999, c. 74, §7 (NEW) .]

**8. Exception.** The requirements of this section do not apply to an agricultural fair association that qualifies for a license and operates beano or bingo games pursuant to section 314.

[ 1999, c. 74, §7 (NEW) .]

#### SECTION HISTORY

1999, c. 74, §7 (NEW).

**§329. ASSISTANCE FOR PLAYER**

A person conducting or assisting in the conduct of beano may assist a player by playing that player's cards while the player takes a restroom break. This section does not apply to the conduct of high-stakes beano. [2003, c. 353, §1 (NEW).]

**SECTION HISTORY**

2003, c. 353, §1 (NEW).

## Chapter 14: GAMES OF CHANCE

### §330. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §1 (AMD). 1975, c. 740, §§3,4 (AMD). 1977, c. 350, §1 (RPR). 1979, c. 271, §1 (AMD). 1981, c. 412, §1 (AMD). 1983, c. 225, §1 (AMD). 1983, c. 705, §§1-4 (AMD). 1987, c. 190, §1 (AMD). 1987, c. 314, §1 (AMD). 1995, c. 674, §§1,2 (AMD). 2001, c. 342, §3 (AMD). 2001, c. 672, §§1-4 (AMD). 2005, c. 563, §12 (AMD). IB 2009, c. 2, §50 (AMD). 2009, c. 487, Pt. A, §1 (RP). 2011, c. 420, Pt. A, §10 (RP).

### §331. GAME OF CHANCE

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 424, §1 (RPR). 1975, c. 740, §5 (AMD). 1977, c. 350, §§2,3 (AMD). 1979, c. 736, §1 (AMD). 1987, c. 190, §§2,3 (AMD). 1987, c. 402, §§B16,B17 (AMD). 1989, c. 254, §§1,2 (AMD). 1991, c. 251, §1 (AMD). 1991, c. 796, §3 (AMD). 1995, c. 462, §§A37,38,B3 (AMD). 2001, c. 204, §§1,2 (AMD). 2001, c. 471, §F4 (AMD). 2001, c. 471, §F5 (AFF). 2001, c. 672, §5 (AMD). 2005, c. 563, §13 (AMD). 2007, c. 254, §1 (AMD). 2007, c. 378, §1 (AMD). 2009, c. 115, §1 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### §331-A. RAFFLE PRIZE VALUES

*(REPEALED)*

#### SECTION HISTORY

1987, c. 190, §4 (NEW). 1989, c. 254, §3 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### §332. ISSUANCE OF LICENSE

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §§1-A (AMD). 1977, c. 350, §4 (RPR). 1979, c. 271, §2 (AMD). 1979, c. 736, §2 (AMD). 1981, c. 593, §§1,2 (AMD). 1983, c. 225, §2 (AMD). 1983, c. 705, §§5,6 (AMD). 1987, c. 314, §2 (AMD). 1989, c. 154, §2 (AMD). 1993, c. 410, §PP1 (AMD). 1993, c. 730, §1 (AMD). 1999, c. 295, §1 (AMD). 1999, c. 716, §1 (AMD). 2001, c. 538, §2 (AMD). 2005, c. 179, §1 (AMD). 2005, c. 563, §14 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### §332-A. LICENSE EXCEPTIONS FOR GAMES OF CHANCE

*(REPEALED)*

#### SECTION HISTORY

2009, c. 386, §1 (NEW). 2009, c. 487, Pt. A, §1 (RP).

### **§333. APPLICATION**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 2009, c. 487, Pt. A, §1 (RP).

### **§333-A. TOURNAMENT GAMES**

*(REPEALED)*

#### SECTION HISTORY

2007, c. 205, §1 (NEW). 2007, c. 610, §§1-3 (AMD). 2009, c. 457, §§1-3 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§334. EVIDENCE**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §2 (AMD). 1977, c. 350, §5 (AMD). 1981, c. 593, §3 (AMD). 2001, c. 538, §3 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§335. REVENUE AND EXPENSES**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 424, §2 (RPR). 1989, c. 825, §3 (RPR). 1993, c. 45, §§5-7 (AMD). 1997, c. 684, §5 (AMD). 1999, c. 716, §§2,3 (AMD). 2001, c. 672, §§6-8 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§336. RECORDS; LICENSES**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 424, §3 (RPR). 1977, c. 350, §6 (RPR). 1999, c. 63, §2 (AMD). 1999, c. 716, §§4,5 (AMD). 2001, c. 672, §§9-12 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§336-A. RECORDS; DISTRIBUTORS AND PRINTERS**

*(REPEALED)*

#### SECTION HISTORY

1977, c. 350, §7 (NEW). 1999, c. 716, §6 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§337. DISTRIBUTOR**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1973, c. 788, §67 (AMD). 1975, c. 424, §4 (AMD). 1977, c. 350, §8 (RPR). 1985, c. 93, §1 (AMD). 1989, c. 254, §4 (AMD). 1999, c. 716, §§7,8 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§338. PRINTER**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1977, c. 350, §§9,10 (AMD). 1985, c. 93, §2 (AMD). 1989, c. 254, §5 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§338-A. INVESTIGATIONS AND ACTIONS ON LICENSES**

*(REPEALED)*

#### SECTION HISTORY

1985, c. 93, §3 (NEW). 1985, c. 93, §3 (NEW). 2009, c. 487, Pt. A, §1 (RP).

### **§339. FEES**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 349, §1 (RPR). 1977, c. 350, §11 (RPR). 1981, c. 412, §2 (AMD). 1983, c. 705, §7 (AMD). 1991, c. 528, §H2 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §H2 (AMD). 1997, c. 684, §6 (AMD). 2007, c. 554, §1 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§340. PERSONS UNDER 16 YEARS OF AGE**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1977, c. 350, §12 (RPR). 1983, c. 225, §3 (AMD). 2007, c. 254, §2 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§341. LIMITS ON GAMES OF CHANCE**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 349, §2 (AMD). 1977, c. 350, §13 (RPR). 1981, c. 130, (RPR). 1981, c. 412, §3 (AMD). 1981, c. 698, §90 (AMD). 1981, c. 698, §89 (RP). 1999, c. 716, §§9,10 (AMD). 2001, c. 384, §1 (AMD). 2001, c. 384, §3 (AFF). 2001, c. 538, §4 (AMD). 2001, c. 672, §§13,14 (AMD). 2007, c. 554, §2 (AMD). 2009, c. 224, §1 (AMD). 2009, c. 487, Pt. A, §1 (RP).

### **§342. REPORTS**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §3 (AMD). 2009, c. 487, Pt. A, §1 (RP).



## **§343. RULES AND REGULATIONS**

***(REPEALED)***

### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §4 (RPR). 1983, c. 705, §8 (AMD). 1995, c. 674, §3 (AMD). 1997, c. 684, §7 (AMD). 2009, c. 487, Pt. A, §1 (RP).

## **§343-A. INVESTIGATIONS; ACTIONS ON LICENSES**

***(REPEALED)***

### SECTION HISTORY

1997, c. 684, §8 (NEW). 2001, c. 342, §4 (AMD). 2009, c. 487, Pt. A, §1 (RP).

## **§344. EXPENSES**

***(REPEALED)***

### SECTION HISTORY

1973, c. 735, §3 (NEW). 2009, c. 487, Pt. A, §1 (RP).

## **§345. ACCESS TO PREMISES**

***(REPEALED)***

### SECTION HISTORY

1973, c. 735, §3 (NEW). 1975, c. 410, §5 (AMD). 1997, c. 728, §8 (AMD). 2009, c. 487, Pt. A, §1 (RP).

## **§346. VIOLATIONS**

***(REPEALED)***

### SECTION HISTORY

1973, c. 735, §3 (NEW). 1977, c. 350, §14 (RPR). 2009, c. 487, Pt. A, §1 (RP).

## **§347. VENDING MACHINES**

***(REPEALED)***

### SECTION HISTORY

1983, c. 705, §9 (NEW). 2009, c. 487, Pt. A, §1 (RP).

## Chapter 15: BIGAMY

### **§351.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 17: BLACKLISTING

### §401. VIOLATIONS; PENALTY

**1. Preventing employment.** An employer, employee or other person, by threats of injury, intimidation or force, alone or in combination with others, may not prevent a person from entering into, continuing in or leaving the employment of any person, firm or corporation.

[ 2003, c. 452, Pt. I, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Maintaining blacklist.** An employer, agent of an employer or other person, alone or in combination with others, may not attempt to prevent a wage earner in any industry from obtaining employment at that wage earner's trade by maintaining or being a party to the maintaining of a blacklist.

[ 2003, c. 452, Pt. I, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Penalty.** A person who violates this section commits a Class D crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. I, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §X2 (AFF). 2003, c. 452, §I12 (RPR).

## Chapter 19: BLASPHEMY AND PROFANITY

### **§451.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§452.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 21: BOMBS

### **§501.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§502.**

*(REPEALED)*

SECTION HISTORY

1967, c. 9, (RPR). 1975, c. 499, §5 (RP).

### **§503.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§504.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 23: BOXING AND PRIZEFIGHTS

### **§551.**

*(REPEALED)*

SECTION HISTORY

1965, c. 40, §1 (AMD). 1975, c. 499, §5 (RP).

### **§552.**

*(REPEALED)*

SECTION HISTORY

1965, c. 40, §2 (RP).

### **§553.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 25: BRIBERY AND CORRUPTION

### **§601.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§602.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§603.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§604.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§605.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§606.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§607.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§608.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**Chapter 27: BUCKET SHOPS****§651.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**§652.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**§653.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**§654.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).



## Chapter 29: BUDGET PLANNING BUSINESS

### §701. BUSINESS PROHIBITED

**1. Budget planning prohibited.** Except as provided in subsection 2, a person, firm, association or corporation may not engage in the business of budget planning on behalf of a consumer.

[ 1999, c. 560, §1 (NEW) . ]

**2. Exceptions.** This chapter does not apply to:

A. A person admitted to the practice of law in this State as of the effective date of this section, except to the extent that budget planning or debt management services constitute the exclusive activity of that attorney; [1999, c. 560, §1 (NEW) . ]

B. A supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A; [ 1999 , c. 560 , §1 (NEW) . ]

C. A supervised lender as defined in Title 9-A, section 1-301, subsection 39; or [ 1999 , c. 560 , §1 (NEW) . ]

D. Any organization that is registered with the State as a debt management service provider under Title 32, chapter 80-A. [1999, c. 560, §1 (NEW) . ]

[ 1999, c. 560, §1 (NEW) . ]

#### SECTION HISTORY

1969, c. 420, §4 (AMD). 1971, c. 424, §8 (AMD). 1999, c. 560, §1 (RPR).

### §702. BUDGET PLANNING, DEFINED

"Budget planning" means the making of a contract with a particular debtor, when the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same to a certain specified creditor or among certain specified creditors in accordance with a plan agreed upon by the debtor. [1999, c. 560, §2 (AMD) . ]

#### SECTION HISTORY

1999, c. 560, §2 (AMD) .

### §703. PENALTY

Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 701 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both.

## Chapter 31: BURGLARY

### §751.

*(REPEALED)*

#### SECTION HISTORY

1973, c. 404, §1 (AMD). 1973, c. 795, §1 (AMD). 1975, c. 499, §5 (RP).

### §751-A.

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §6 (NEW). 1975, c. 499, §5 (RP).

### §752.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §753.

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §7 (AMD). 1975, c. 499, §5 (RP).

### §754.

*(REPEALED)*

#### SECTION HISTORY

1973, c. 404, §2 (AMD). 1973, c. 641, §1 (AMD). 1973, c. 795, §2 (AMD).  
1975, c. 252, §2 (AMD). 1975, c. 499, §5 (RP).

### §754-A.

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §8 (NEW). 1975, c. 252, §3 (AMD). 1975, c. 499, §5 (RP).

### §755.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §777-A.

*(REPEALED)*

#### SECTION HISTORY

MRSA T.19 ., §777A/17 (RP).

## Chapter 33: CHAMPERTY

### **§801.**

*(REPEALED)*

#### SECTION HISTORY

1965, c. 333, (AMD). 1975, c. 499, §5 (RP).

## Chapter 35: CHILDREN

### §851.

*(REPEALED)*

#### SECTION HISTORY

1969, c. 500, §1 (AMD). 1975, c. 499, §5 (RP).

### §852.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §853.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §854.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §855.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §856.

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §5 (RP).

### §857.

*(REPEALED)*

#### SECTION HISTORY

1969, c. 433, §20 (AMD). 1971, c. 598, §17 (AMD). 1975, c. 499, §5 (RP).

### §858.

*(REPEALED)*

#### SECTION HISTORY

1969, c. 443, §1 (AMD). 1975, c. 499, §5 (RP).

**§859.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**§860.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

**§861.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 37: COMPOUNDING FELONIES

### **§901.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§902.**

***(REPEALED)***

SECTION HISTORY

1971, c. 237, §1 (AMD). 1973, c. 145, §1 (AMD). 1973, c. 788, §68 (AMD). 1975, c. 499, §5 (RP).

### **§903.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 39: CONSPIRACY

### **§951.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

### **§952.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).



## Chapter 41: CRIME AGAINST NATURE

### **§1001.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §5 (RP).

## Chapter 42: ANIMAL WELFARE

### Subchapter 1: GENERAL PROVISIONS HEADING: PL 1987, C. 383, §4 (NEW)

#### §1011. DEFINITIONS

As used in this chapter, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings. [1987, c. 383, §4 (NEW).]

**1. Act.** "Act" means the Animal Welfare Act.

[ 1999, c. 254, §17 (AMD) .]

**2. Animal.** "Animal" means every living, sentient creature not a human being.

[ 1987, c. 383, §4 (NEW) .]

**3. Animal control.** "Animal control" means control of dogs, cats, domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law.

[ 1987, c. 383, §4 (NEW) .]

**4. Animal control officer.** "Animal control officer" means the person appointed periodically by municipal officers pursuant to Title 7, chapter 725.

[ 1987, c. 383, §4 (NEW) .]

**5. Animal control shelter.**

[ 1993, c. 657, §43 (RP) .]

**5-A. Animal shelter.** "Animal shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

[ 2005, c. 510, §8 (AMD) .]

**6. At large.** "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.

[ 1987, c. 383, §4 (NEW) .]

**7. Board.**

[ 1999, c. 254, §18 (RP) .]

**8. Boarding kennel.** "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.

[ 1987, c. 383, §4 (NEW) .]

**8-A. Breeding kennel.** "Breeding kennel" means a location where 5 or more adult dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under Title 7, section 3923-C when

the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.

[ 2011, c. 100, §17 (AMD) .]

**9. Business day.** "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.

[ 1987, c. 383, §4 (NEW) .]

**10. Clerk; municipal clerk.** "Clerk" or "municipal clerk" means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this chapter.

[ 1987, c. 383, §4 (NEW) .]

**11. Commissioner.** "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or his duly authorized agent.

[ 1987, c. 383, §4 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

**12. Constable.** "Constable" means a law enforcement officer appointed by municipal officers pursuant to law.

[ 1987, c. 383, §4 (NEW) .]

**12-A. Equine facility.** "Equine facility" means a boarding stable or commercial riding facility.

[ 1999, c. 498, §7 (AMD) .]

**12-B. Dog.** "Dog" means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in subsection 30.

[ 1997, c. 690, §57 (NEW) .]

**13. Service dog kept for breeding purposes.** "Service dog kept for breeding purposes" means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as service dogs and living with a resident of the State.

[ 2007, c. 664, §14 (AMD) .]

**14. Service dog kept prior to training.** "Service dog kept prior to training" means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a service dog and living temporarily with a resident of the State prior to training.

[ 2007, c. 664, §15 (AMD) .]

**15. Humane agent.** "Humane agent" means an employee of the Department of Agriculture, Conservation and Forestry who assists in enforcing this chapter.

[ 2001, c. 422, §12 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

**15-A. Humane society.** "Humane society" means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fund-raising to promote animal welfare.

[ 1991, c. 779, §45 (NEW) .]

**15-B. Humanely clean conditions.** "Humanely clean conditions" means that both indoor areas and outdoor enclosures are cleaned on a periodic basis to remove excretions and other waste materials, dirt and trash with sufficient frequency to minimize health hazards and to provide adequately clean living conditions for the species of animal.

[ 2007, c. 702, §39 (NEW) .]

**16. Keeper.** "Keeper" means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.

[ 1995, c. 490, §22 (AMD) .]

**17. Kennel.** "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

[ 2011, c. 100, §18 (AMD) .]

**18. Law enforcement officer.** "Law enforcement officer" means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

[ 1987, c. 383, §4 (NEW) .]

**18-A. Livestock.** "Livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.

[ 2007, c. 439, §35 (AMD) .]

**19. Municipality.** "Municipality" means a city, town or plantation.

[ 1987, c. 383, §4 (NEW) .]

**20. Mutilate.** "Mutilate" means to injure or disfigure by irreparably damaging body parts. "Mutilate" does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.

[ 1997, c. 456, §12 (AMD) .]

**21. Owner.** "Owner" means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.

[ 1987, c. 383, §4 (NEW) .]

**22. Person.** "Person" means an individual, corporation, partnership, association or any other legal entity.

[ 1987, c. 383, §4 (NEW) .]

**22-A. Pet animal.**

[ 1997, c. 690, §58 (RP) . ]

**23. Pet shop.** "Pet shop" means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

[ 1997, c. 690, §59 (RPR) . ]

**24. Respective municipality.** "Respective municipality" means, in the case of towns and cities, the municipality where the dog is found or in the case of unorganized townships, the municipality near or adjacent to the unorganized township where the dog is found or the designee of that municipality.

[ 1987, c. 383, §4 (NEW) . ]

**24-A. Service dog.** "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection 9-E, paragraph A or B.

[ 2011, c. 369, §5 (AMD) . ]

**25. Shelter.** "Shelter" means any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals and not used for agricultural purposes or as a laboratory, research facility, medical facility or educational institution.

[ 1987, c. 383, §4 (NEW) . ]

**26. Torment, torture and cruelty.** "Torment, torture and cruelty" means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

[ 1987, c. 383, §4 (NEW) . ]

**27. Vertebrate.** "Vertebrate" means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.

[ 1987, c. 383, §4 (NEW) . ]

**28. Warrant.** "Warrant" means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.

[ 1987, c. 383, §4 (NEW) . ]

**29. Well cared for.** "Well cared for" means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.

[ 1987, c. 383, §4 (NEW) . ]

**30. Wolf hybrid.** "Wolf hybrid" means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

[ 1997, c. 690, §60 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1991, c. 779, §§42-45 (AMD). 1993, c. 657, §§43,44 (AMD). 1995, c. 490, §22 (AMD). 1997, c. 456, §§11,12 (AMD). 1997, c. 690, §§56-60 (AMD). 1999, c. 254, §§17,18 (AMD). 1999, c. 498, §7 (AMD). 2001, c. 422, §12 (AMD). 2003, c. 334, §3 (AMD). 2005, c. 510, §§8,9 (AMD). 2007, c. 439, §35 (AMD). 2007, c. 664, §§14-16 (AMD). 2007, c. 702, §§38-40 (AMD). 2009, c. 343, §25 (AMD). 2009, c. 403, §11 (AMD). 2011, c. 100, §§17, 18 (AMD). 2011, c. 369, §5 (AMD). 2011, c. 657, Pt. W, §§5, 6 (REV).

### §1012. UNLAWFUL SALE, CONSIGNMENT OR RENTAL OF DISEASED HORSES

**1. Unlawful sale, consignment or rental of diseased horses.** A person is guilty of unlawful sale, consignment or rental of diseased horses if that person receives, offers for sale or sells at private sale or public auction, consigns or rents any horse which, by reason of debility, disease or lameness or for other cause could not be worked in the State without violating the laws against cruelty to animals.

[ 1989, c. 129, (AMD) .]

**2. Penalty.** Unlawful sale, consignment or rental of diseased horses is a Class E crime.

[ 1989, c. 129, (AMD) .]

**3. Violation.** Any licensed auctioneer violating this section may be punished by loss of license in addition to other penalties provided by law.

[ 1987, c. 383, §4 (NEW) .]

**4. Exception.** This section shall not be construed to prohibit the sale to or the purchase of horses by humane societies.

[ 1987, c. 383, §4 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1989, c. 129, (AMD).

### §1013. UNLAWFUL PRODUCTION OF MOTION PICTURES

**1. Unlawful production of motion pictures.** A person, including an owner or the owner's agent, is guilty of unlawful production of motion pictures if that person knowingly or intentionally prepares, manufactures, makes or participates in the preparation, manufacture or making of any motion picture film or videotape production involving cruelty to animals during the course of preparation, manufacture, making or exhibition of the motion picture film or videotape production.

[ 1997, c. 690, §61 (AMD) .]

**2. Penalty.** Unlawful production of motion pictures is a Class E crime.

[ 1987, c. 383, §4 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1997, c. 690, §61 (AMD).

### **§1014. UNLAWFUL INTERFERENCE WITH PUBLICLY OWNED DOGS (REPEALED)**

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1989, c. 446, §1 (RP).

### **§1015. SURCHARGE IMPOSED**

A surcharge of 10% must be added to every fine or penalty imposed by any court in this State for a violation of this chapter. The surcharge, for the purposes of collection and collection procedures, is considered a part of the fine or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Animal Welfare Fund established under Title 7, section 3906-B, subsection 2. [ 2001, c. 617, §10 (NEW) .]

#### SECTION HISTORY

2001, c. 617, §10 (NEW).

## **Subchapter 2: POSSESSION OF ANIMALS HEADING: PL 1987, C. 383, §4 (NEW)**

### **§1021. POSSESSION OF ANIMALS**

**1. Possession.** A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:

A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or [ 2007, c. 702, §41 (AMD) .]

B. To cause the animal to be disposed of humanely. [ 1987, c. 383, §4 (NEW) .]

[ 2007, c. 702, §41 (AMD) .]

**2. Notice to owner.** If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.

If the owner can not be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.

If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.

[ 1993, c. 657, §45 (AMD) .]

**3. Hearing.** If it appears at the hearing that the animal has been cruelly abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured, the court shall:

A. Direct the applicant or other suitable person to take possession of and provide for the animal, order its sale, adoption or placement; [ 2007, c. 702, §42 (AMD) . ]

B. Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful; or [ 2007, c. 702, §42 (AMD) . ]

C. If appropriate, allow the animal to be returned to its owner. [ 2007, c. 702, §42 (NEW) . ]

[ 2007, c. 702, §42 (AMD) . ]

**4. Ex parte order.** An ex parte order shall be as follows.

A. A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

(1) The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:

(a) The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;

(b) The animal's life will be jeopardized; or

(c) A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;

(2) There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;

(3) There is immediate danger that the owner or the owner's agent will kill or injure the animal; or

(4) An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order issues allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition. [ 2007, c. 702, §43 (AMD) . ]

B. This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests. [ 1987, c. 383, §4 (NEW) . ]

C. On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order.

The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.



The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings. [2011, c. 559, Pt. A, §15 (AMD).]

[ 2011, c. 559, Pt. A, §15 (AMD) .]

**5. Seizure for observation and examination.** Seizure of animals for observation and examination is as follows.

A. Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, the humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 30 days. [2013, c. 2, §30 (COR).]

B. If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely. [1995, c. 490, §23 (AMD).]

C. If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:

(1) Declare the animal forfeited and order its sale, adoption or donation; or

(2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful. [1987, c. 383, §4 (NEW).]

[ 2013, c. 2, §30 (COR) .]

**5-A. Seizure by state humane agent or state veterinarian without court order.** A state humane agent or a state veterinarian who has reasonable cause to believe that a violation of section 1031 or 1032 has taken place or is taking place may take possession of and retain the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:

A. States the reason for seizure; [1993, c. 468, §22 (NEW).]

B. Gives the name, address and phone number of the humane agent or the state veterinarian to contact for information regarding the animal; and [1995, c. 490, §24 (AMD).]

C. Advises the owner of the ensuing court procedure. [1993, c. 468, §22 (NEW).]

If the owner can not be found, the humane agent or the state veterinarian shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or can not be located, the humane agent or the state veterinarian shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent or the state veterinarian shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent or the state veterinarian shall apply to the court for a possession order. Upon good cause shown, the court shall expedite the case and schedule a prehearing conference to take place within 7 days of the seizure. The court shall set a hearing date, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. The humane agent or the state veterinarian shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent or the state veterinarian shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery. In the case of an expedited hearing, the court shall issue a writ of possession or return the animal to its owner within 30 days of the seizure.

For an expedited hearing, the State, prior to the prehearing conference, shall submit all veterinary records, reports by investigating officers and other relevant records in the State's possession to the court and shall mail or deliver copies of these same reports and records to the owner of the animal.

All veterinary records, seizure reports prepared by humane agents, police reports, witness statements or other written documents are admissible as evidence when the authors of these documents are available for cross-examination at a possession hearing. Oral statements of a witness included in a police report are only admissible if the witness is present at the possession hearing.

[ 2011, c. 559, Pt. A, §16 (AMD) .]

**6. Attachment and enforcement of lien.** Attachment and enforcement of liens shall be as follows.

A. Any person taking possession of an animal as provided in this subchapter shall have a lien for expenses as provided in this subsection unless the complaint is dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses. [1987, c. 383, §4 (NEW) .]

B. Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of an animal taken into custody. [1987, c. 383, §4 (NEW) .]

C. The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, chapter 631. In giving judgment for the lien, the court shall include expenses as set forth in paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.

In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner. [1987, c. 383, §4 (NEW) .]

D. The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay all expenses for its care and support pending appeal. [1987, c. 383, §4 (NEW) .]

[ 1987, c. 383, §4 (NEW) .]

**SECTION HISTORY**

1987, c. 383, §4 (NEW). 1987, c. 736, §27 (AMD). 1991, c. 779, §§46-48 (AMD). 1993, c. 468, §§21,22 (AMD). 1993, c. 657, §§45,46 (AMD). 1995, c. 490, §§23,24 (AMD). 1997, c. 690, §§62-64 (AMD). 2007, c. 702, §§41-44 (AMD). 2009, c. 573, §1 (AMD). 2011, c. 559, Pt. A, §§15, 16 (AMD). RR 2013, c. 2, §30 (COR).

## §1022. PREVENTION OF CRUELTY

The commissioner or any person authorized to make arrests may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in that person's presence. [1997, c. 690, §65 (AMD).]

### SECTION HISTORY

1987, c. 383, §4 (NEW). 1991, c. 779, §49 (AMD). 1997, c. 690, §65 (AMD).

## §1023. INVESTIGATION AND REPORTING OF CRUELTY

**1. Investigations; reports.** Law enforcement officers, animal control officers and humane agents shall investigate alleged violations of Title 7, chapter 739 and this chapter. The commissioner shall maintain a record of each alleged case of cruelty to animals investigated by a humane agent. The commissioner shall report annually on the disposition of cases as required under Title 7, section 3906-B.

A law enforcement officer or animal control officer who investigates a case of alleged cruelty to animals and pursues a civil or criminal action based on that investigation shall report to the commissioner on the final disposition of the case.

[ 2001, c. 422, §13 (NEW) .]

### **2. Commissioner role.**

[ 1997, c. 690, §67 (RP) .]

**3. Cooperation between agencies.** For the purposes of this section, law enforcement officers, the commissioner or the commissioner's designee, humane agents, a state veterinarian and certified animal control officers may exchange information and reports pertaining to an investigation of cruelty to animals pursuant to subsection 4 and Title 7, section 3909, subsection 6.

[ 2013, c. 267, Pt. B, §11 (AMD) .]

**4. Confidential information.** The names of and other identifying information about persons providing information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Conservation and Forestry are confidential information and may not be released.

[ 2013, c. 267, Pt. C, §2 (NEW) .]

### SECTION HISTORY

1987, c. 383, §4 (NEW). 1989, c. 701, §§5,6 (AMD). 1991, c. 779, §50 (AMD). 1997, c. 690, §§66,67 (AMD). 2001, c. 422, §13 (RPR). 2013, c. 267, Pt. B, §11 (AMD). 2013, c. 267, Pt. C, §2 (AMD).

## §1024. IMPEDING THE PERFORMANCE OF AN OFFICER

It is unlawful for a person to assault, resist, oppose, impede, intimidate or interfere with a person engaged in or on account of the performance of that person's official duties under this subchapter. [1997, c. 690, §68 (AMD).]

### SECTION HISTORY

1987, c. 383, §4 (NEW). 1997, c. 690, §68 (AMD).

## §1025. HANDLING OF ANIMALS SEIZED OR HELD

**1. Handling of animals.** No humane agent, animal control officer, animal shelter, pound, animal care center, humane society or veterinarian and anyone acting under their authority and having possession of any animal by reason of his office may:

A. Provide or supply dealers, commercial kennels or laboratories with the animal; or [1987, c. 383, §4 (NEW).]

B. Give, release, sell, trade, loan, transfer or otherwise provide any live animal to any individual, firm, association, corporation, educational institution, laboratory, medical facility or anyone else for purposes of experimentation or vivisection. [1987, c. 383, §4 (NEW).]

**2. Livestock.** Livestock to be sold at public auction is exempt from this section.

[1987, c. 383, §4 (NEW).]

### SECTION HISTORY

1987, c. 383, §4 (NEW).

## §1026. PENALTY FOR VIOLATION

Any person found in violation of sections 1024 and 1025 is guilty of a Class E crime. [1987, c. 383, §4 (NEW).]

### SECTION HISTORY

1987, c. 383, §4 (NEW).

## §1027. SECURITY FOR SEIZURE AND IMPOUNDMENT OF ANIMALS RELATING TO CRUELTY TO ANIMALS OR ANIMAL FIGHTING

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authority" means the commissioner or a state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer or animal control officer that seizes or impounds an animal pursuant to section 1021. [2007, c. 439, §36 (NEW).]

[2007, c. 439, §36 (NEW).]

**2. Show cause hearing.** When an animal is lawfully seized or impounded pursuant to section 1021 or 1034, if the owner, custodian or person claiming an interest in the animal wishes to contest the order, the owner, custodian or person claiming an interest must petition the court for a show cause hearing. The petition must be filed within 10 days of the date the seizure occurred or the search warrant was executed. If the owner fails to petition the court for a hearing within 10 days, the animal is ordered forfeited to the State.

Upon petition by the owner, custodian or person claiming an interest in the animal in accordance with this subsection, the court shall hold a hearing. The hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Upon a showing of good cause, the court may extend the time needed to hold the hearing.

[2011, c. 559, Pt. A, §17 (AMD).]

**3. Post security.** If an animal is lawfully seized and impounded, the authority may file a petition with the court requesting that the person from whom an animal is seized or a person claiming an interest in the seized animal be ordered to post a security. The authority shall serve a copy of the petition on the person

from whom the animal was seized or, if the person cannot be found, by posting of copy at the place where the animal was taken into custody. The authority shall also serve a copy of the petition on the district attorney. The court may order the person from whom an animal is seized or a person claiming an interest in the seized animal to post a security.

[ 2007, c. 439, §36 (NEW) . ]

**4. Payment of expenses.** The security must be in an amount sufficient to secure payment for all reasonable expenses to be incurred by the authority having custody of the seized animal for a period of at least 30 days. The court upon the recommendation of the authority shall determine the amount of the security. Reasonable expenses include, but are not limited to, estimated medical care, shelter and board.

[ 2007, c. 439, §36 (NEW) . ]

**5. Draw actual reasonable costs.** When security is posted in accordance with this section, the authority may draw from the security the actual reasonable costs incurred for medical care, shelter, board and record keeping.

[ 2007, c. 439, §36 (NEW) . ]

**6. Post with clerk.** If the court orders the posting of security, the security must be posted with the clerk within 10 business days of the show cause hearing. The court shall order the immediate forfeiture of the seized animal to the authority if the person fails to post security as ordered. The court may waive the security requirement or reduce the amount of the security for good cause shown.

[ 2007, c. 439, §36 (NEW) . ]

**7. Disposition of animal.** Posting of the security does not prevent the authority from disposing of the seized or impounded animal before the expiration of the period covered by the security, if the court rules in favor of the authority.

[ 2007, c. 439, §36 (NEW) . ]

**8. Order denied.** The authority may humanely dispose of the animal at the end of the period for which expenses are covered by the security, if the court orders the disposition. If the disposition order is denied, the court may require the owner or custodian or any other person claiming interest in the animal to provide additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.

[ 2007, c. 439, §36 (NEW) . ]

**9. Recover damages.** The owner or custodian of an animal humanely killed pursuant to this section is not entitled to recover damages or the actual value of the animal if the owner or custodian failed to post security.

[ 2007, c. 439, §36 (NEW) . ]

**10. Refund.** The court may direct a refund to the person who posted the security in whole or in part for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

[ 2007, c. 439, §36 (NEW) . ]

#### SECTION HISTORY

2007, c. 439, §36 (NEW). 2011, c. 559, Pt. A, §17 (AMD).

## Subchapter 3: CRUELTY TO ANIMALS HEADING: PL 1987, C. 383, §4 (NEW)

**§1031. CRUELTY TO ANIMALS**

**1. Cruelty to animals.** Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

D-1. Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime; [2005, c. 422, §10 (NEW).]

E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

E-1. Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

F-1. Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime; [2013, c. 115, §16 (AMD).]

G-1. Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

H-1. Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
- (2) Coerces anyone to engage in a sexual act with an animal;
- (3) Engages in a sexual act with an animal in the presence of a minor;
- (4) Uses any part of the person's body or an object to sexually stimulate an animal;
- (5) Videotapes a person engaging in a sexual act with an animal; or
- (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime; [2003, c. 452, Pt. I, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

I. (REALLOCATED TO T. 17, §1031, sub-§1, ¶J) [2001, c. 1, §20 (RAL); 2001, c. 425, §7 (NEW).]

I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §13 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

J. (REALLOCATED FROM T. 17, §1031, sub-§1, ¶I) Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime; [2007, c. 702, §45 (AMD).]

J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or [2007, c. 702, §46 (AMD).]

K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime. [2007, c. 702, §47 (NEW).]

[2013, c. 115, §16 (AMD).]

#### **1-A. Animal cruelty.**

[2003, c. 452, Pt. I, §14 (RP); 2003, c. 452, Pt. X, §2 (AFF).]

**1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

A. Causes extreme physical pain to an animal; [2001, c. 425, §8 (NEW).]

B. Causes the death of an animal; or [2003, c. 405, §24 (AMD).]

C. Physically tortures an animal. [2001, c. 425, §8 (NEW).]

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

[2005, c. 281, §8 (AMD); 2005, c. 397, Pt. F, §1 (AMD).]

**1-C. Cat or dog; exceptions.** Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime. [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**1-D. Licensed veterinarian.** A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

[2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**1-E. Owner or owner's agent.** A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot; [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]



B. Death is instantaneous; [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Maximum precaution is taken to protect the general public, employees and other animals; and [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Any restraint of the cat or dog during the shooting does not cause undue suffering. [2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Affirmative defense.** It is an affirmative defense to prosecution under this section that:

A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards; [1987, c. 383, §4 (NEW).]

B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property; [2007, c. 702, §48 (AMD).]

C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; or [2007, c. 702, §48 (AMD).]

D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Conservation and Forestry. [2007, c. 702, §48 (NEW); 2011, c. 657, Pt. W, §5 (REV).]

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

[ 2007, c. 702, §48 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

**3. Penalty for cruelty to animals.**

[ 2003, c. 452, Pt. I, §18 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-A. Penalty for aggravated cruelty to animals.**

[ 2003, c. 452, Pt. I, §19 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-B. Penalties.** The following apply to violations of this section.

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal. [2009, c. 573, §2 (AMD).]

B. The court, as part of the sentence for a violation of this section, may prohibit the defendant from owning, possessing or having on the defendant's premises an animal or animals as determined by the court for a period of time, up to and including permanent relinquishment, as determined by the court. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having an animal or animals on the probationer's premises is subject to revocation of probation and removal of the animal or animals at the probationer's expense if this condition is violated. The court as part of the sentence may order, as a condition of probation, that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined appropriate by the court, to receive psychiatric or psychological counseling at the defendant's expense. [2003, c. 452, Pt. I, §20 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [ 2003, c. 452, Pt. I, §20 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]

[ 2009, c. 573, §2 (AMD) . ]

**4. Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4011.

[ 1999, c. 481, §1 (AMD) . ]

**5. Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice.

[ 2001, c. 425, §11 (NEW) . ]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1989, c. 195, (AMD). 1993, c. 81, §2 (AMD). 1995, c. 490, §§25,26 (AMD). 1997, c. 456, §§13-16 (AMD). 1997, c. 690, §§69,70 (AMD). 1999, c. 254, §§19-21 (AMD). 1999, c. 481, §1 (AMD). 1999, c. 765, §11 (AMD). RR 2001, c. 1, §§18-20 (COR). 2001, c. 414, §§1-3 (AMD). 2001, c. 425, §§5-11 (AMD). 2001, c. 617, §11 (AMD). 2003, c. 405, §24 (AMD). 2003, c. 414, §§B30,31 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 452, §§I13-20 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 614, §9 (AFF). 2005, c. 281, §8 (AMD). 2005, c. 397, §F1 (AMD). 2005, c. 422, §10 (AMD). 2007, c. 439, §37 (AMD). 2007, c. 702, §§45-48 (AMD). 2009, c. 573, §2 (AMD). 2011, c. 657, Pt. W, §5 (REV). 2013, c. 115, §16 (AMD).

## §1032. CRUELTY TO BIRDS

**1. Cruelty to birds.** A person is guilty of cruelty to birds if that person intentionally, knowingly or recklessly:

A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship. Violation of this paragraph is a Class D crime; [ 2003, c. 452, Pt. I, §21 (AMD); 2003, c. 452, Pt. X, §2 (AFF). ]

A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [ 2003, c. 452, Pt. I, §21 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]

B. Shoots at any bird or is present as a party, umpire or judge at such shooting. Violation of this paragraph is a Class D crime; [ 2003, c. 452, Pt. I, §21 (AMD); 2003, c. 452, Pt. X, §2 (AFF). ]

B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [2003, c. 452, Pt. I, §21 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Rents any building, shed, room, yard, field or premises or knowingly suffers the use of the building, shed, room, yard, field or premises for any of the purposes described in paragraphs A and B. Violation of this paragraph is a Class D crime; or [2003, c. 452, Pt. I, §21 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime. [2003, c. 452, Pt. I, §21 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §21 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Penalty.** The following apply to violations of this section.

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section. [2003, c. 452, Pt. I, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [2003, c. 452, Pt. I, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §22 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Exception.** Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, chapter 915, subchapter 13.

[ 2003, c. 414, Pt. B, §32 (AMD); 2003, c. 614, §9 (AFF) .]

**4. Criminal or civil prosecution.** A person may not be arrested or detained for cruelty to birds. The attorney for the State shall elect to charge a defendant with the crime of cruelty to birds under this section or the civil violation of cruelty to birds under Title 7, section 4012. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of birds involved, any prior convictions or adjudications of bird cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection is not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of bird cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, section 4012.

[ 1999, c. 481, §2 (AMD) .]

**SECTION HISTORY**

1987, c. 383, §4 (NEW). 1997, c. 690, §71 (AMD). 1999, c. 481, §2 (AMD). 2003, c. 414, §B32 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 452, §§I21,22 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 614, §9 (AFF).

## §1033. ANIMAL FIGHTING

**1. Animal fighting.** A person is guilty of animal fighting if that person knowingly:

A. Owns, possesses, keeps or trains any animal with the intent that the animal engage in an exhibition of fighting with another animal; [1987, c. 383, §4 (NEW).]

B. For amusement or gain, causes any animal to fight with another animal or causes any animals to injure each other; or [1987, c. 383, §4 (NEW).]

C. Permits any act in violation of paragraph A or B to be done on any premises under that person's charge or control. [1997, c. 690, §72 (AMD).]

[ 2003, c. 452, Pt. I, §23 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Penalty.** A person who violates subsection 1 commits a Class C crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of subsection 1.

[ 2003, c. 452, Pt. I, §24 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Viewing animal fighting.** A person is guilty of viewing animal fighting if that person knowingly is present at any place or building where preparations are being made for an exhibition of the fighting of animals or is present at such an exhibition.

[ 2003, c. 452, Pt. I, §25 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2-A. Penalty.** A person who violates subsection 2 commits a Class D crime.

[ 2003, c. 452, Pt. I, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Affirmative defense.** It is an affirmative defense to prosecution under subsections 1 and 2 that the activity charged involves the possession, training, exhibition or use of an animal in the otherwise lawful sport of animal hunting and the training or use of hunting dogs. It is also an affirmative defense that the defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13.

[ 2003, c. 414, Pt. B, §33 (AMD); 2003, c. 614, §9 (AFF) .]

**4. Exception.** Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, farming and security services is exempt from subsections 1 and 2.

[ 1987, c. 383, §4 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1997, c. 690, §72 (AMD). 2003, c. 414, §B33 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 452, §§I23-26 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 614, §9 (AFF).

## §1034. APPLICATION FOR SEARCH WARRANT

A law enforcement officer or humane agent, having probable cause to believe that a violation of section 1031, 1032 or 1033 has taken place or is taking place, shall enter the premises where the animal is kept with the consent of the owner or shall make application for a search warrant. If the judge or justice of the peace is satisfied that probable cause exists, he shall issue a search warrant directing a law enforcement officer or humane agent in the county to proceed immediately to the location of the alleged violation and directing

the law enforcement officer or humane agent to search the place designated in the warrant, retaining in his custody, subject to the order of the court, such property or things as specified in the warrant, including any animal. [1987, c. 736, §28 (AMD).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1987, c. 736, §28 (AMD).

### §1035. NECESSARY SUSTENANCE

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section. [1987, c. 383, §4 (NEW).]

**1. Food.** The food shall be of sufficient quantity and quality to maintain all animals in good health.

[ 1987, c. 383, §4 (NEW) .]

**2. Water.** If potable water is not accessible to the animal at all times, it must be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.

[ 1999, c. 254, §22 (AMD) .]

**3. Penalty.** Failure to provide a sufficient supply of food or water is a Class D crime.

[ 1999, c. 254, §23 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1999, c. 254, §§22,23 (AMD).

### §1036. NECESSARY MEDICAL ATTENTION

A person owning or responsible for confining or impounding any animal may not fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof. Failure to provide necessary medical attention is a Class D crime. [1999, c. 254, §24 (AMD).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1999, c. 254, §24 (AMD).

### §1037. PROPER SHELTER; PROTECTION FROM THE WEATHER AND HUMANELY CLEAN CONDITIONS

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section. [1997, c. 456, §17 (AMD).]

**1. Indoor standards.** Minimum indoor standards of shelter shall be as follows.

A. The ambient temperature shall be compatible with the health of the animal. [1987, c. 383, §4 (NEW) .]

B. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times. [1987, c. 383, §4 (NEW) .]

[ 1987, c. 383, §4 (NEW) .]

**2. Outdoor standards.** Minimum outdoor standards of shelter shall be as follows.

A. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals. [1987, c. 383, §4 (NEW).]

B. Except as provided in subsections 5, 5-A and 7, shelter from inclement weather must be provided according to this paragraph.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 7, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog. [2011, c. 76, §4 (AMD).]

C. [2007, c. 702, §50 (RP).]

[ 2011, c. 76, §4 (AMD) .]

**3. Space standards.** Minimum space requirements for both indoor and outdoor enclosures shall include the following.

A. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal. [1987, c. 383, §4 (NEW).]

B. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns. [1987, c. 383, §4 (NEW).]

[ 1987, c. 383, §4 (NEW) .]

**4. Humanely clean conditions.** Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.

[ 1987, c. 383, §4 (NEW) .]

**5. Livestock.** Livestock must be provided with shelter suitable for the health of the animal. Except as provided in subsection 5-A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in Title 7, section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in Title 7, section 1341, subsection 1.

[ 2011, c. 76, §5 (AMD) .]

**5-A. Livestock maintained under a rotational grazing system.** Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, "rotational grazing system" means the practice of dividing up available pasture into multiple smaller areas during grazing season

when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.

[ 2011, c. 76, §6 (NEW) . ]

**6. Penalty.** Failure to provide shelter in accordance with this section is a Class D crime.

[ 1999, c. 254, §25 (NEW) . ]

**7. Dogs confined by tethering for long time periods.** In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and [ 2009, c. 343, §26 (AMD) . ]

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For dogs kept as sled dogs or dogs used in competition, the chain or tether must be:

- (1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or
- (2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement. [ 2009, c. 343, §26 (AMD) . ]

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate and "dogs kept as sled dogs or dogs used in competition" means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.

[ 2009, c. 343, §26 (AMD) . ]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1997, c. 456, §§17-19 (AMD). 1999, c. 254, §25 (AMD). 1999, c. 765, §12 (AMD). 2005, c. 340, §§3,4 (AMD). 2007, c. 702, §§49, 50 (AMD). 2009, c. 343, §26 (AMD). 2011, c. 76, §§4-6 (AMD).

### §1037-A. AFFIRMATIVE DEFENSE

It is an affirmative defense to alleged violations of sections 1035, 1036 and 1037 that the animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Conservation and Forestry. [ 2007, c. 702, §51 (NEW); 2011, c. 657, Pt. W, §5 (REV). ]

#### SECTION HISTORY

2007, c. 702, §51 (NEW). 2011, c. 657, Pt. W, §5 (REV).

## §1038. ANIMALS ABANDONED AT ANIMAL CARE FACILITIES

Abandoning an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility is a Class D crime. [2005, c. 422, §11 (NEW).]

**1. Determination of abandonment.** There is a rebuttable presumption of abandonment if an owner:

A. Places an animal in the custody of a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day-care facility for services offered by that facility; and [2005, c. 422, §11 (NEW).]

B. Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2. [2005, c. 422, §11 (NEW).]

[ 2005, c. 422, §11 (NEW) .]

**2. Notice requirement.** Before any animal may be considered abandoned under this section, a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

[ 2005, c. 422, §11 (NEW) .]

**3. Ownership of abandoned animal.** When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the veterinarian, kennel, facility or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

[ 2005, c. 422, §11 (NEW) .]

**4. Financial obligation.** The disposal of an abandoned animal under this section does not relieve the owner or keeper of the animal of any financial obligation, including, but not limited to, costs incurred for veterinary treatment, boarding, grooming or other care.

[ 2005, c. 422, §11 (NEW) .]

**5. Penalty.** In addition to the penalties provided in Title 17-A for a Class D crime, the penalties in section 1031, subsection 3-B also apply.

[ 2005, c. 422, §11 (NEW) .]

### SECTION HISTORY

2005, c. 422, §11 (NEW).

## §1039. CRUEL CONFINEMENT OF CALVES RAISED FOR VEAL AND SOWS DURING GESTATION

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Calf raised for veal" means a calf of the bovine species kept for the purpose of producing the food product referred to as veal. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

B. "Covered animal" means a sow during gestation or calf raised for veal that is kept on a farm. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]



C. "Enclosure" means a cage, crate or other structure used to confine a covered animal, including, but not limited to, what is commonly described as a "gestation crate" for sows or a "veal crate" for calves. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

D. "Farm" has the same meaning as in Title 7, section 152, subsection 5. [2013, c. 588, Pt. A, §22 (AMD).]

E. "Fully extending the animal's limbs" means fully extending all limbs without touching the side of an enclosure. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

F. "Sow during gestation" means a pregnant pig of the porcine species kept for the primary purpose of breeding. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

G. "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

[ 2013, c. 588, Pt. A, §22 (AMD) .]

**2. Prohibition.** A person may not tether or confine a covered animal for all or the majority of a day in a manner that prevents the animal from:

A. Lying down, standing up and fully extending the animal's limbs; and [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

B. Turning around freely. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

[ 2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF) .]

**3. Exceptions.** Subsection 2 does not apply:

A. To an animal while it is the subject of scientific or agricultural research; [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

B. During examination, testing, individual treatment of or operation on an animal for veterinary purposes; [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

C. To an animal being transported; [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

D. To an animal at a rodeo exhibition or state or county fair exhibition; [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

E. To an animal at a 4-H event or similar exhibition; [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

F. To the slaughter of an animal in accordance with Title 22, chapter 562-A, subchapter 4 and rules pertaining to the slaughter of animals; and [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

G. To a sow during the 7-day period prior to the sow's expected date of giving birth and until the sow's litter is weaned. [2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF).]

[ 2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF) .]

**4. Relation to other laws.** The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section may not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

[ 2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF) .]

**5. Penalty.** A violation of subsection 2 is a Class D crime.

[ 2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF) .]

**6. Criminal or civil prosecution.** A person may be arrested or detained for a violation of subsection 2 in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruel confinement under Title 7, section 1039. The attorney for the State may elect to charge a defendant with a criminal violation under this section or a civil violation under Title 7, section 4020. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of cruel confinement and are not subject to proof or disproof as prerequisites or conditions for conviction under this section or adjudication under Title 7, section 4020.

It is not an affirmative defense to prosecution under this section that the sow or calf is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.

[ 2009, c. 127, §2 (NEW); 2009, c. 127, §3 (AFF) .]

#### SECTION HISTORY

2009, c. 127, §2 (NEW). 2009, c. 127, §3 (AFF). 2013, c. 588, Pt. A, §22 (AMD).

### Subchapter 4: EUTHANASIA OF CATS AND DOGS HEADING: PL 1987, C. 383, §4 (NEW)

#### **§1041. EUTHANASIA BY PRESCRIBED METHODS**

A cat or dog may not be destroyed by any method, agent or device except as described in this subchapter, subchapter III and Title 7, chapter 739. [1995, c. 490, §27 (AMD).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1995, c. 490, §27 (AMD).

#### **§1042. EUTHANASIA PERFORMED BY LICENSED VETERINARIAN OR CERTIFIED PERSON**

The mandatory method of euthanasia of cats and dogs when conducted by a licensed veterinarian or a person certified under subsection 3 must be the administration of a barbiturate overdose. The mandatory method of euthanasia must be implemented according to the following methods and under the following conditions. [1995, c. 490, §27 (AMD).]

**1. Intravenous, intraperitoneal, intrathoracic or intracardial injection.** Intravenous, intraperitoneal, intrathoracic or intracardial injection of a lethal solution may be used.

[ 1987, c. 383, §4 (NEW) .]

**2. Use of undamaged hypodermic needle.** An undamaged hypodermic needle of a size suitable for the size and species of animal must be used.

[ 1995, c. 490, §27 (AMD) .]

**3. Administration by a licensed veterinarian.** Administration may only be by a licensed veterinarian or by a person trained for this purpose who is certified by the commissioner and subject to regular observation concerning continued efficiency. A person certified under this subsection may only euthanize animals that are vested to an animal shelter. A person certified to perform euthanasia may not euthanize an animal if, by performing that euthanasia, the person is in violation of Title 32, chapter 71-A.

[ 1995, c. 490, §27 (AMD) .]

**4. Euthanasia solution.** A licensed animal shelter having both a consulting veterinarian and a certified euthanasia technician may purchase, store and administer euthanasia solution for the euthanasia of cats, dogs and ferrets that are vested to the shelter, provided the purchase, storage and administration is in accordance with federal requirements. The director of the licensed animal shelter, as a veterinarian, a certified euthanasia technician or an agent of the certified euthanasia technician, is the only person with the authority to purchase euthanasia solution.

[ 1995, c. 490, §27 (NEW) .]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1995, c. 490, §27 (AMD).

### §1043. EMERGENCY METHODS

The following methods shall be used only in an emergency situation in which the safety of people or other animal life is threatened or in a situation in which the mandatory method of euthanasia of cats and dogs cannot be implemented expeditiously and will cause undue suffering. The following methods shall not be used as a substitute for the mandatory method. [1987, c. 383, §4 (NEW).]

**1. Shooting.** The animal may be destroyed by shooting, provided that:

A. The animal is restrained in a humane manner; [1987, c. 383, §4 (NEW).]

B. Shooting is performed by highly skilled and trained personnel utilizing a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot; and [1987, c. 383, §4 (NEW).]

C. Maximum precaution is taken to protect the general public, employees and other animals. [1987, c. 383, §4 (NEW).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW).

### §1044. TRANQUILIZING CATS AND DOGS

Prior to the euthanasia of cats and dogs, sedatives may be administered to these animals. Curariform immobilizers shall not be used on cats and dogs prior to euthanasia, except by veterinarians in extreme circumstances. [1987, c. 383, §4 (NEW).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW).

### §1045. INSPECTION

The Department of Agriculture, Conservation and Forestry may inspect or investigate any facility in which cats or dogs are destroyed. [1991, c. 779, §51 (AMD); 1991, c. 779, §59 (AFF); 2011, c. 657, Pt. W, §5 (REV).]

#### SECTION HISTORY

1987, c. 383, §4 (NEW). 1991, c. 779, §51 (AMD). 1991, c. 779, §59 (AFF). 2011, c. 657, Pt. W, §5 (REV).

## **§1046. PENALTY FOR VIOLATION**

Any person, firm or corporation found in violation of this subchapter is guilty of a Class E crime.  
[1987, c. 383, §4 (NEW).]

### SECTION HISTORY

1987, c. 383, §4 (NEW).

## Chapter 43: CRUELTY TO ANIMALS

Subchapter 1: GENERAL PROVISIONS HEADING: PL 1987, C. 383, §5 (RP)

### §1051. AUTHORITY; DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1973, c. 37, §1 (AMD). 1973, c. 598, §7 (AMD). 1973, c. 788, §69 (RPR). 1975, c. 155, §1 (RPR). 1979, c. 731, §19 (AMD). 1983, c. 308, §§6,14 (AMD). 1983, c. 812, §97 (AMD). 1987, c. 383, §5 (RP).

### §1051-A. ANIMAL WELFARE BOARD

*(REPEALED)*

#### SECTION HISTORY

1983, c. 308, §§7,14 (NEW). 1983, c. 812, §98 (AMD). 1987, c. 383, §5 (RP).

### §1051-B. EXECUTIVE DIRECTOR; OTHER EMPLOYEES

*(REPEALED)*

#### SECTION HISTORY

1983, c. 308, §§7,14 (NEW). 1985, c. 785, §B77 (AMD). 1987, c. 383, §5 (RP).

### §1051-C. RULES

*(REPEALED)*

#### SECTION HISTORY

1983, c. 308, §§7,14 (NEW). 1987, c. 383, §5 (RP).

### §1052. EXHIBITION OF BEARS; MENAGERIES EXCEPTED

*(REPEALED)*

#### SECTION HISTORY

1987, c. 383, §5 (RP).

### §1053. CARE OF SHEEP ABANDONED ON ISLANDS; LIEN

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §6 (RP). 1975, c. 740, §137 (RP).

### §1054. DOCKING HORSES' TAILS; DISPOSAL OF FINES

*(REPEALED)*

#### SECTION HISTORY

1973, c. 598, §8 (AMD). 1975, c. 499, §6 (RP). 1975, c. 740, §137 (RP).

**§1055. VIVISECTION PROHIBITED IN PUBLIC AND PRIVATE SCHOOLS****(REPEALED)**

## SECTION HISTORY

1975, c. 155, §2 (RPR). 1975, c. 499, §6 (RP). 1975, c. 638, §1 (REEN).  
1977, c. 694, §291 (AMD). 1979, c. 731, §19 (AMD). 1983, c. 308,  
§§8,9,14 (AMD). 1987, c. 383, §5 (RP).

**§1056. SALE OF DISEASED HORSES****(REPEALED)**

## SECTION HISTORY

1969, c. 210, (AMD). 1987, c. 383, §5 (RP).

**§1057. MOTION PICTURES NOT TO INVOLVE DELIBERATE CRUELTY TO ANIMALS****(REPEALED)**

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1058. COLORING OR DYEING LIVE ANIMALS OR BIRDS****(REPEALED)**

## SECTION HISTORY

1975, c. 235, (AMD). 1975, c. 499, §6 (RP). 1975, c. 638, §2 (REEN).  
1977, c. 88, (AMD). 1981, c. 121, §§1,2 (AMD). 1987, c. 383, §5 (RP).

Subchapter 2: INJURING OR KILLING HEADING: PL 1987, C. 383, §5 (RP)

**§1091. ACTS OF CRUELTY****(REPEALED)**

## SECTION HISTORY

1969, c. 158, (RPR). 1973, c. 37, §2 (AMD). 1975, c. 499, §6 (RP).  
1975, c. 740, §137 (RP).

**§1092. MALICIOUS KILLING OR INJURY TO DOMESTIC ANIMALS OR FOWL; STEALING****(REPEALED)**

## SECTION HISTORY

1973, c. 37, §3 (AMD). 1973, c. 398, (AMD). 1973, c. 625, §89 (RPR).  
1973, c. 666, §1 (AMD). 1975, c. 499, §6 (RP). 1975, c. 740, §137 (RP).

**§1093. SHOOTING OF PIGEONS AND OTHER BIRDS; WILD GAME EXPECTED****(REPEALED)**

## SECTION HISTORY

1975, c. 497, §3 (AMD). 1983, c. 480, §A12 (AMD). 1987, c. 383, §5 (RP).

## **§1094. POISONS NOT TO BE DEPOSITED FOR KILLING ANIMALS**

***(REPEALED)***

### SECTION HISTORY

1969, c. 130, (AMD). 1973, c. 598, §9 (AMD). 1975, c. 499, §6 (RP).  
1975, c. 740, §137 (RP).

Subchapter 3: FIGHTING OR BAITING HEADING: PL 1987, C. 383, §5 (RP)

## **§1131. PREMEDITATED ANIMAL FIGHTS**

***(REPEALED)***

### SECTION HISTORY

1967, c. 84, (RPR). 1975, c. 12, (AMD). 1975, c. 499, §6 (RP). 1975,  
c. 740, §137 (RP).

## **§1132. COMPLAINT, WARRANT AND PROCEEDINGS TO PREVENT AND PUNISH**

***(REPEALED)***

### SECTION HISTORY

1973, c. 598, §10 (RP).

## **§1133. KEEPING PLACES FOR FIGHTING OR BAITING**

***(REPEALED)***

### SECTION HISTORY

1975, c. 499, §6 (RP). 1975, c. 740, §137 (RP).

## **§1134. OWNING OR TRAINING TO FIGHT**

***(REPEALED)***

### SECTION HISTORY

1975, c. 499, §6 (RP). 1975, c. 740, §137 (RP).

## **§1135. ENTRY OF BUILDINGS WHERE UNLAWFUL TRAINING; DWELLING PROTECTED**

***(REPEALED)***

### SECTION HISTORY

1965, c. 431, §11 (RP).

Subchapter 4: TRANSPORTATION HEADING: PL 1987, C. 383, §5 (RP)

## **§1171. PREFERENCE AND CONTINUOUS PASSAGE TO ANIMALS ON RAILROADS**

***(REPEALED)***

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1172. CARE OF ANIMALS BROUGHT INTO STATE OR IN TRANSIT**

*(REPEALED)*

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1173. TIME OF CONFINEMENT EXTENDED ON REQUEST; SHEEP**

*(REPEALED)*

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1174. APPLICABILITY OF PROVISIONS**

*(REPEALED)*

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1175. RAILROAD HAS LIEN FOR PENALTIES, CARE AND PROTECTION**

*(REPEALED)*

## SECTION HISTORY

1987, c. 383, §5 (RP).

**§1176. OFFICERS MAY TAKE POSSESSION OF ANIMALS UNLAWFULLY  
DETAINED; LIEN**

*(REPEALED)*

## SECTION HISTORY

1969, c. 201, (AMD). 1973, c. 598, §11 (AMD). 1987, c. 383, §5 (RP).

**§1177. ENFORCEMENT OF LIEN**

*(REPEALED)*

## SECTION HISTORY

1973, c. 598, §12 (AMD). 1987, c. 383, §5 (RP).

Subchapter 5: ENFORCEMENT AND  
JURISDICTION HEADING: PL 1987, C. 383, §5 (RP)

**§1211. DESTRUCTION OF CERTAIN ANIMALS**

*(REPEALED)*

## SECTION HISTORY

1973, c. 598, §13 (AMD). 1979, c. 317, (RPR). 1987, c. 383, §5 (RP).



**§1212. PREVENTION OF CRUELTY*****(REPEALED)***

## SECTION HISTORY

1973, c. 598, §14 (AMD). 1975, c. 70, §1 (AMD). 1987, c. 383, §5 (RP).

**§1213. PROSECUTIONS; PAYMENT FOR SERVICES*****(REPEALED)***

## SECTION HISTORY

1973, c. 598, §15 (RPR). 1987, c. 383, §5 (RP).

**§1213-A. IMPEDING THE PERFORMANCE OF AN OFFICER*****(REPEALED)***

## SECTION HISTORY

1975, c. 70, §2 (NEW). 1987, c. 383, §5 (RP).

**§1214. APPOINTMENT OF STATE HUMANE AGENTS*****(REPEALED)***

## SECTION HISTORY

1973, c. 598, §16 (RPR). 1973, c. 666, §2 (RPR). 1983, c. 308, §§10,14 (RP).

**§1215. HANDLING OF ANIMALS SEIZED OR HELD BY HUMANE AGENTS, ANIMAL CONTROL OFFICERS, ANIMAL SHELTERS, POUNDS, ANIMAL CARE CENTERS, HUMANE SOCIETIES OR VETERINARIANS*****(REPEALED)***

## SECTION HISTORY

1983, c. 621, §1 (RPR). 1987, c. 383, §5 (RP).

**§1215-A. PENALTY FOR VIOLATION*****(REPEALED)***

## SECTION HISTORY

1983, c. 621, §2 (NEW). 1987, c. 383, §5 (RP).

**§1216. ADVISORY BOARD*****(REPEALED)***

## SECTION HISTORY

1973, c. 598, §17 (NEW). 1983, c. 308, §§11,14 (RP).

Subchapter 6: EUTHANASIA OF CATS AND  
DOGS HEADING: PL 1987, C. 383, §5 (RP)

**§1226. ACCEPTABLE METHODS OF EUTHANASIA OF DOGS AND CATS BY  
AUTHORIZED AGENCIES AND LICENSED VETERINARIANS*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1987, c. 383, §5 (RP).

**§1227. PREFERRED METHOD*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1987, c. 383, §5 (RP).

**§1228. CONDITIONAL METHODS*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1981, c. 470, §A35 (AMD). 1987, c. 383, §5 (RP).

**§1229. TRANQUILIZING CATS AND DOGS*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1987, c. 383, §5 (RP).

**§1230. INSPECTION*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1979, c. 731, §19 (AMD). 1987, c. 383, §5 (RP).

**§1231. PENALTY FOR VIOLATION*****(REPEALED)***

## SECTION HISTORY

1977, c. 445, (NEW). 1987, c. 383, §5 (RP).

## Chapter 45: DEAD BODIES AND GRAVES

### **§1251.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1252.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1253.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

## Chapter 47: DISCRIMINATION

### §1301. RACE, CREED OR NATIONALITY

(*REPEALED*)

#### SECTION HISTORY

1965, c. 344, §§1,2 (AMD). 1971, c. 501, §2 (RP).

### §1301-A. STATE LICENSES

No person, firm or corporation holding a license under the State of Maine or any of its subdivisions for the dispensing of food, liquor or for any service or being a State of Maine corporation or a corporation authorized to do business in the State shall withhold membership, its facilities or services to any person on account of race, religion or national origin, except such organizations which are oriented to a particular religion or which are ethnic in character. [1969, c. 371, (NEW).]

The inspectors and agents of licensing authorities issuing licenses under this section shall have the authority to investigate and prosecute complaints against its licensees for violation of this section and to institute proceedings before the District Court Judge who shall be empowered to proceed under Title 5, chapter 375, and not under Title 28-A, chapter 33. [1987, c. 769, Pt. A, §55 (RPR); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

It shall be the duty of the several district attorneys to investigate and prosecute complaints of violations of this section, and to institute proceedings before the District Court Judge who shall be empowered to proceed under Title 5, chapter 375. [1987, c. 402, Pt. A, §116 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

A determination by the District Court Judge after notice and hearing on a show cause order that there is a violation of this section shall cause revocation of such licenses as may be held, with the right of appeal to the Superior Court under Title 5, chapter 375. [1987, c. 402, Pt. A, §117 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

#### SECTION HISTORY

1969, c. 371, (NEW). 1969, c. 504, §§24-G (AMD). 1973, c. 303, §3 (AMD). 1973, c. 567, §20 (AMD). 1987, c. 45, §B4 (AMD). 1987, c. 402, §§A115-A117 (AMD). 1987, c. 769, §A55 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

### §1302. BLIND PERSONS WITH GUIDE DOGS

(*REPEALED*)

#### SECTION HISTORY

1971, c. 58, §2 (RP).

## Subchapter 2: MODEL WHITE CANE LAW

### §1311. POLICY

It is the policy of this State to encourage and enable the blind, the visually handicapped and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment. [1971, c. 58, §1 (NEW).]

#### SECTION HISTORY

1971, c. 58, §1 (NEW).

## §1312. RIGHTS

**1. Streets and public places.** The blind, the visually handicapped and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

[ 1971, c. 58, §1 (NEW) . ]

**2. Public conveyances.** The blind, the visually handicapped and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

[ 1971, c. 58, §1 (NEW) . ]

**3. Service dogs.** Every totally or partially blind or otherwise physically or mentally disabled person has the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in subsection 2 without being required to pay an extra charge for the service dog; however, the person is liable for any damage done to the premises or facilities by such a dog.

[ 2007, c. 664, §17 (AMD) . ]

**4. Especially trained service dog trainer; access to public facilities; responsibilities.** An especially trained service dog trainer, while engaged in the actual training process and activities of service dogs, has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to a blind, visually handicapped or otherwise physically or mentally disabled person.

[ 2007, c. 664, §18 (AMD) . ]

**5. Housing accommodations; persons with service dogs.** Every blind or visually handicapped or otherwise physically or mentally disabled individual who has a service animal, such as a service dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually impaired or otherwise physically or mentally disabled individuals may not be required to pay extra compensation to keep service animals. A blind or visually impaired or otherwise physically or mentally disabled person is liable for any damages done to the premises by the service animal.

[ 2007, c. 664, §19 (AMD) . ]

**6. Housing accommodations; definitions.** "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or [1987, c. 104, §1 (NEW) . ]

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation. [1987, c. 104, §1 (NEW).]

[ 1987, c. 104, §1 (NEW) .]

**7. Service dog; definition.** As used in this section, "service dog" means a dog that meets the definition of "service animal" in Title 5, section 4553, subsection 9-E, paragraph B.

[ 2011, c. 369, §6 (AMD) .]

#### SECTION HISTORY

1971, c. 58, §1 (NEW). 1981, c. 584, §1 (AMD). 1987, c. 104, §1 (AMD). 1997, c. 611, §§1-4 (AMD). 2007, c. 664, §§17-20 (AMD). 2011, c. 369, §6 (AMD).

### §1313. MOTOR VEHICLE DRIVERS

The driver of a vehicle approaching a totally or partially blind or otherwise physically disabled pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a service dog as defined in section 1312, subsection 7 shall take all necessary precautions to avoid injury to that blind or otherwise physically disabled pedestrian, and any driver who fails to take such precautions is liable in damages for any injury caused the pedestrian. A totally or partially blind or otherwise physically disabled pedestrian, not carrying such a cane or using a service dog in any of the places, accommodations or conveyances listed in section 1312, has all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind or otherwise physically disabled pedestrian to carry such a cane or to use a service dog in any such places, accommodations or conveyances may not be held to constitute nor be evidence of contributory negligence. [2011, c. 369, §7 (AMD).]

#### SECTION HISTORY

1971, c. 58, §1 (NEW). 1997, c. 611, §5 (AMD). 2007, c. 664, §21 (AMD). 2011, c. 369, §7 (AMD).

### §1314. PENALTIES

**1. Public facilities; other rights.** A person, firm or corporation or the agent of a person, firm or corporation may not:

A. Deny or interfere with admittance to or enjoyment of the public facilities described in section 1312; or [2003, c. 452, Pt. I, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Otherwise interfere with the rights of a person who is totally or partially blind or a person with other disabilities under section 1312. [2003, c. 452, Pt. I, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Penalty.** Violation of this section is a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. I, §27 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1971, c. 58, §1 (NEW). 1981, c. 584, §2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I27 (RPR).

## §1314-A. MISREPRESENTATION OF SERVICE DOG

A person who fits a dog with a harness, collar, vest or sign of the type commonly used by blind persons in order to represent that the dog is a service dog or commonly used by persons with disabilities to represent that the dog is a service dog when training of the type that guide dogs normally receive has not been provided or when the dog does not meet the definition of "service dog" as defined in section 1312, subsection 7 commits a civil violation for which a fine of not more than \$500 may be adjudged. [2011, c. 369, §8 (AMD).]

### SECTION HISTORY

2003, c. 452, §128 (NEW). 2003, c. 452, §X2 (AFF). 2007, c. 664, §22 (AMD). 2011, c. 369, §8 (AMD).

## §1315. PROCLAMATION

Each year, the Governor shall take suitable public notice of October 15th as White Cane Safety Day. [1971, c. 58, §1 (NEW).]

He shall issue a proclamation in which: [1971, c. 58, §1 (NEW).]

**1. Significance.** He comments upon the significance of the white cane;

[1971, c. 58, §1 (NEW).]

**2. Observance.** He calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled;

[1971, c. 58, §1 (NEW).]

**3. Cooperation.** He reminds the citizens of the State of the policies with respect to the disabled declared in sections 1311 to 1314 and urges the citizens to cooperate in giving effect to them;

[1971, c. 58, §1 (NEW).]

**4. Assistance.** He emphasizes the need of the citizens to be aware of the presence of disabled persons in the community, and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

[1971, c. 58, §1 (NEW).]

### SECTION HISTORY

1971, c. 58, §1 (NEW).

## §1316. EMPLOYMENT

It is the policy of this State that the blind, the visually handicapped and the otherwise physically disabled shall be employed in the state service, the service of the political subdivisions of the State, in the public schools and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved. [1971, c. 58, §1 (NEW).]

### SECTION HISTORY

1971, c. 58, §1 (NEW).

## Chapter 49: DUELING

### **§1351. PENALTY**

*(REPEALED)*

SECTION HISTORY

1997, c. 623, §2 (RP).

### **§1352. ACCEPTING CHALLENGE OR AIDING DUEL**

*(REPEALED)*

SECTION HISTORY

1997, c. 623, §2 (RP).

### **§1353. LEAVING STATE TO ELUDE PROVISIONS OF LAW**

*(REPEALED)*

SECTION HISTORY

1997, c. 623, §2 (RP).

### **§1354. POSTING FOR NOT FIGHTING DUEL**

*(REPEALED)*

SECTION HISTORY

1997, c. 623, §2 (RP).



## Chapter 51: ESCAPES

### **§1401.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1402.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1403.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1404.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1404-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §9 (NEW). 1975, c. 499, §7 (RP).

### **§1405.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1405-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §10 (NEW). 1975, c. 499, §7 (RP).

### **§1406.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

## Chapter 53: FALSE PERSONATION

### **§1451.**

*(REPEALED)*

SECTION HISTORY

1971, c. 31, (RPR). 1975, c. 499, §7 (RP).

### **§1452.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

## Chapter 54: FELONY

### §1461. ADDITIONAL PENALTY

*(REPEALED)*

#### SECTION HISTORY

1969, c. 418, (NEW). 1975, c. 740, §6 (RP).

## Chapter 55: FORGERY AND COUNTERFEITING

### **§1501.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1502.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1503.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1504.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1505.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1506.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1507.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

### **§1508.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §7 (RP).

**§1509.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §7 (RP).

**§1510.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §7 (RP).

## Chapter 57: FORNICATION

### **§1551.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §7 (RP).

## Chapter 59: FRAUD AND FALSE PRETENSES

### Subchapter 1: GENERAL PROVISIONS

#### **§1601. CHEATING BY FALSE PRETENSES**

*(REPEALED)*

##### SECTION HISTORY

1975, c. 499, §8 (RP).

#### **§1602. OBTAINING LONG DISTANCE TELEPHONE SERVICE WITHOUT PAYMENT**

*(REPEALED)*

##### SECTION HISTORY

1975, c. 499, §8 (RP).

#### **§1603. UTTERING FRAUDULENT RECEIPTS**

**1. Fraudulent receipt for delivery or deposit of goods.** A person who fraudulently makes or utters a receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any warehouse, mill, store or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building, commits a Class B crime.

[ 2003, c. 452, Pt. I, §29 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Fraudulent receipt for delivery and deposit of bonds or securities.** A person who fraudulently makes or utters a receipt or other written evidence of the delivery or deposit with that person of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, commits a Class B crime.

[ 2003, c. 452, Pt. I, §29 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

##### SECTION HISTORY

1991, c. 797, §2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I29 (RPR).

#### **§1603-A. FRAUD AGAINST STATE**

*(REPEALED)*

##### SECTION HISTORY

1967, c. 450, §1 (NEW). 1975, c. 499, §8 (RP).

#### **§1604. FALSE FINANCIAL STATEMENTS**

*(REPEALED)*

##### SECTION HISTORY

1975, c. 499, §8 (RP).

**§1605. FRAUDULENT CHECKS****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1606. -- PAYMENT IN 5 DAYS OR PRIMA FACIE CASE OF FRAUD****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1607. CREDIT DEFINED****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1608. PROCURING MONEY BY FALSE PRETENSE OF PHYSICAL DEFECTS****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1608-A. SALE OF FINGER ALPHABET CARDS AS INDUCEMENT IN THE SALE OF MERCHANDISE**

**1. Sale of finger alphabet cards.** A person may not engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter in any way as a means of inducement in the sale of merchandise.

[ 2003, c. 452, Pt. I, §30 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Issuance of license prohibited.** A person may not issue to another person a state or local license for the purpose of peddling finger alphabet cards or printed matter stating that the other person is deaf.

[ 2003, c. 452, Pt. I, §30 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Penalty.** A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. I, §30 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

## SECTION HISTORY

1965, c. 71, (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I30 (RPR).

**§1609. FALSE REPRESENTATIONS OF STANDARD FOR SALE OF STERLING AND COIN SILVER ARTICLES****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).



## §1609-A. RESETTING, TAMPERING OR DISCONNECTING ODOMETERS ON MOTOR VEHICLES

*(REPEALED)*

### SECTION HISTORY

1971, c. 233, (NEW). 1973, c. 178, (RPR). 1975, c. 623, §§18D-18F (AMD). 1979, c. 701, §§16-18 (AMD). 1981, c. 470, §§B4, B4-A (RP).

## §1610. MISREPRESENTING LIVESTOCK

**1. Obtaining or transferring certificate of registration.** A person may not make a false or fraudulent representation for the purpose of:

A. Obtaining a certificate of registration of an animal in a herd register or other register of a club, association, society, company or corporation; or [2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Transferring a certificate of registration. [2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Misrepresentation of registration.** A person may not represent that an animal is a registered animal, or has been registered, with the intent that the representation be relied upon by another unless the animal is registered.

[ 2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Penalty.** A person who violates this section commits a civil violation for which a fine of not more than \$300 may be adjudged.

[ 2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Definition.** For purposes of this section, "registered animal" means an animal duly recorded in the official herd book or similar register of any recognized purebred registry association organized for the purpose of registering a particular breed of animals whose lineage has been established by records.

[ 2003, c. 452, Pt. I, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

1965, c. 15, (RPR). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I31 (RPR).

## §1611. DISGUIISING HORSES IN PREMIUM SHOWS

Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse that shall have been painted or disguised, or that represents any other or different horse from the one which is purported to be entered, or shall knowingly and designedly, for the purpose of competing for premiums or purses enter or drive a horse in a class to which it does not properly belong shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, and such horse, after such notice to the owner as the court may order and a hearing thereon, may be forfeited in the discretion of the court and sold; 1/2 of the net proceeds of such sale shall go to the informant and the other 1/2 to the county in which the offense is committed. The pecuniary penalty shall be enforced by indictment and the forfeiture by a libel filed by the informant and proceedings in the manner provided in Title 33, chapter 21.

**§1612. GROSS FRAUD AT COMMON LAW***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1613. FRAUDULENT CONVEYANCES OR ASSIGNMENTS***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1614. REMOVAL OR CONCEALMENT OF MORTGAGED PERSONAL PROPERTY***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1615. DEFRAUDING GARAGE OWNER; POSTING COPY OF LAW***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1616. TRANSFER TICKETS***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1617. TAMPERING WITH STREET RAILWAY FARE-BOX OR USE OF MUTILATED COINS***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1618. CORPORATE ACTS AFTER FORFEITURE OF CHARTER**

Whoever undertakes to do business or does business of any kind in behalf of any corporation, the charter of which has been forfeited or suspended, or holds out such corporation as doing business, or sells, transfers or puts upon the market any stocks or other evidence of indebtedness whatsoever of any such corporation, while the charter of said corporation remains forfeited or suspended, shall be punished by a fine of \$300.

**§1619. CIRCULATING ADVERTISEMENTS IN SIMILITUDE OF BANK BILLS***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1620. FRAUDULENT ADVERTISING; EXEMPTIONS**  
**(REPEALED)**

## SECTION HISTORY

1975, c. 499, §8 (RP).

**§1621. USE OF FALSE OR UNAUTHORIZED CREDIT DEVICES**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §1 (AMD). 1975, c. 499, §8 (RP).

**§1622. NOTICE OF CREDIT REVOCATION**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §1 (AMD). 1975, c. 499, §8 (RP).

**§1623. OBTAINING TRANSPORTATION ON SKI LIFT**  
**(REPEALED)**

## SECTION HISTORY

1967, c. 110, (NEW). 1975, c. 499, §8 (RP).

**§1624. DEFINITIONS**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1971, c. 544, §54 (AMD). 1975, c. 499, §8 (RP).

**§1625. FALSE STATEMENT AS TO FINANCIAL CONDITION OR IDENTITY**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1626. THEFT OF CREDIT CARD; FORGERY**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1627. FRAUDULENT USE OF ILLEGALLY OBTAINED CREDIT CARD,  
FORGED CREDIT CARD OR EXPIRED CREDIT CARD**  
**(REPEALED)**

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1628. FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR SERVICES***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1629. POSSESSION OF MACHINERY, PLATES OR OTHER CONTRIVANCE OR INCOMPLETE CREDIT CARDS***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1630. RECEIPT OF MONEY, GOODS, SERVICES OR ANYTHING ELSE OF VALUE***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1631. DEFENSES NOT AVAILABLE***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1632. PRESUMPTIONS***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1633. PENALTIES***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1634. CONSTRUCTION***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §2 (NEW). 1975, c. 499, §8 (RP).

**§1635. CIVIL LIABILITY***(REPEALED)*

## SECTION HISTORY

1969, c. 405, §1 (NEW). 1971, c. 63, §3 (RP).

## §1636. POSING AS INDIAN IN VENDING

A person who is not a member of the Passamaquoddy Tribe or the Penobscot Nation and who represents oneself to be such a member while engaged in the vending of goods and wares is assessed a fine of not more than \$250. [1993, c. 738, Pt. C, §1 (NEW).]

### SECTION HISTORY

1993, c. 738, §C1 (NEW).

## §1637. FALSE CLAIMS OF MEMBERSHIP IN FEDERALLY RECOGNIZED TRIBE IN THE STATE

### 1. Prohibition. A person may not:

A. Knowingly claim falsely to be a member of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation; [2011, c. 583, §1 (NEW).]

B. Have the intent to obtain property to which the person is not entitled by making the claim under paragraph A; and [2011, c. 583, §1 (NEW).]

C. Obtain property to which the person is not entitled by making the claim under paragraph A. [2011, c. 583, §1 (NEW).]

[ 2011, c. 583, §1 (NEW) .]

**2. Penalty.** A person that violates subsection 1 commits a civil violation for which a fine of not more than \$2,500 may be adjudged.

[ 2011, c. 583, §1 (NEW) .]

**3. Definition.** For purposes of this section, "property" has the same meaning as set forth in Title 17-A, section 352, subsection 1.

[ 2011, c. 583, §1 (NEW) .]

### SECTION HISTORY

2011, c. 583, §1 (NEW).

## Subchapter 2: COMMERCIAL FRAUDS

### Article 1: BILLS OF LADING

## §1661. ISSUE OF BILL FOR GOODS NOT RECEIVED

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

## §1662. ISSUE OF BILL CONTAINING FALSE STATEMENT

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a bill for goods, knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**§1663. ISSUE OF DUPLICATE BILLS NOT SO MARKED**

Any officer, agent or servant of a carrier who, with intent to defraud, issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of Title 11, section 7-1402, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, is guilty of a crime, and upon conviction must be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both. [2009, c. 324, Pt. B, §45 (AMD); 2009, c. 324, Pt. B, §48 (AFF).]

**SECTION HISTORY**

2009, c. 324, Pt. B, §45 (AMD). 2009, c. 324, Pt. B, §48 (AFF).

**§1664. NEGOTIATION OF BILL FOR MORTGAGED GOODS**

Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**§1665. NEGOTIATION OF BILL WHEN NOT IN CARRIER'S POSSESSION**

Any person who, with intent to deceive, negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

**§1666. INDUCING CARRIER TO ISSUE BILL WHEN GOODS NOT RECEIVED**

Any person who, with intent to defraud, secures the issue by a carrier of a bill, knowing that at the time of such issue any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

**§1667. ISSUE OF NONNEGOTIABLE BILL NOT SO MARKED**

Any person who, with intent to defraud, issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

**Article 2: WAREHOUSE RECEIPTS****§1701. ISSUE OF RECEIPT FOR GOODS NOT RECEIVED**

A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

**§1702. ISSUE OF RECEIPT CONTAINING FALSE STATEMENT**

A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**§1703. ISSUE OF DUPLICATE RECEIPTS NOT SO MARKED**

A warehouse, or any officer's agent, or servant of a warehouse, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate", except in the case of a lost or destroyed receipt after proceedings as provided for in Title 11, section 7-1402, is guilty of a crime, and upon conviction must be punished for each offense by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both. [2009, c. 324, Pt. B, §46 (AMD); 2009, c. 324, Pt. B, §48 (AFF).]

**SECTION HISTORY**

2009, c. 324, Pt. B, §46 (AMD). 2009, c. 324, Pt. B, §48 (AFF).

**§1704. ISSUE FOR WAREHOUSEMAN'S GOODS OF RECEIPTS WHICH DO NOT SO STATE**

Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**§1705. DELIVERY OF GOODS WITHOUT OBTAINING NEGOTIABLE RECEIPT**

A warehouse, or any officer, agent or servant of a warehouse who delivers goods out of the possession of such warehouse, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, except in the cases provided for in Title 11, sections 7-1402 and 7-1403, is guilty of a crime, and upon conviction must be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both. [2009, c. 324, Pt. B, §47 (AMD); 2009, c. 324, Pt. B, §48 (AFF).]

**SECTION HISTORY**

2009, c. 324, Pt. B, §47 (AMD). 2009, c. 324, Pt. B, §48 (AFF).

**§1706. NEGOTIATION OF RECEIPT FOR MORTGAGED GOODS**

Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

**Subchapter 3: MARITIME FRAUDS**

**§1751. FRAUDULENT DESTRUCTION OF VESSELS**

Whoever in any county willfully casts away, burns, sinks or otherwise destroys a vessel, with intent to injure or defraud any owner thereof, the owner of any property on board, or any insurer of either, commits a Class A crime. If that person lades, equips or fits out any vessel, or aids in so doing, intending that the vessel must be destroyed in the manner and with the intent aforesaid, that person must be punished by a fine of not more than \$5,000 or by imprisonment for not more than 20 years. [1991, c. 797, §3 (AMD).]

## SECTION HISTORY

1991, c. 797, §3 (AMD).

**§1752. FALSE INVOICES, BILLS OF LADING OR ESTIMATES OF PROPERTY SHIPPED**

If an owner of a vessel or of property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels or other false estimates of such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 10 years.

**§1753. FALSE AFFIDAVITS OR PROTESTS**

If any master, other officer or mariner of any vessel makes, causes to be made or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive or defraud any insurer of such vessel or property, he shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 10 years.

**§1754. AIDING SAILORS TO DESERT**

Whoever entices or persuades or attempts to entice or persuade, or aids, assists or attempts to aid or assist, a member of the crew of any vessel arriving in or about to sail from a port in this State to leave or desert such vessel before the expiration of the crew member's term of service therein commits a Class E crime. District Courts have original jurisdiction in all cases arising under this section. [1991, c. 797, §3 (AMD).]

## SECTION HISTORY

1991, c. 797, §3 (AMD).



## Chapter 61: GAMBLING

### §1801.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

### §1802.

*(REPEALED)*

SECTION HISTORY

1965, c. 431, §12 (AMD). 1975, c. 499, §9 (RP).

### §1803.

*(REPEALED)*

SECTION HISTORY

1973, c. 265, (AMD). 1973, c. 565, §§5,6 (AMD). 1973, c. 735, §4 (RPR).

1975, c. 499, §9 (RP).

### §1804.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

### §1805.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

### §1806.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

### §1807.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

### §1808.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

**§1809.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

**§1810.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

**§1811.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

**§1812.**

*(REPEALED)*

SECTION HISTORY

1965, c. 431, §13 (RP).

**§1813.**

*(REPEALED)*

SECTION HISTORY

1965, c. 431, §14 (AMD). 1975, c. 499, §9 (RP).

**§1814.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §9 (RP).

**§1815.**

*(REPEALED)*

SECTION HISTORY

1973, c. 735, §5 (NEW). 1975, c. 424, §5 (AMD). 1975, c. 499, §9 (RP).

## Chapter 62: GAMES OF CHANCE

### §1831. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 487, Pt. A, §2 (NEW).]

**1. Agricultural society.** "Agricultural society" or "fair" means a nonprofit agricultural fair society eligible for a stipend under Title 7, chapter 4.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Chief of State Police.** "Chief of the State Police" or "chief" means the Chief of the State Police or the chief's designee.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Distributor.** "Distributor" means a person, firm, corporation, association or organization that sells, markets or otherwise distributes sealed tickets, gambling apparatus or any other implements of gambling that may be used in the conduct of a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**4. Electronic video machine.** "Electronic video machine" means a machine, however operated, that has a video screen featuring an electronically simulated game and delivers or entitles the person playing or operating it to receive the privilege of playing the electronic video machine without charge, but does not deliver or entitle the person playing or operating the electronic video machine to receive cash, premiums, merchandise, tickets or something of value other than the privilege of playing the electronic video machine without charge. An electronic video machine is a machine that may be licensed in accordance with section 1832, subsection 8. A machine that has a video screen featuring an electronically simulated slot machine as a game is not an electronic video machine, but is a machine as defined in subsection 9.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**5. Game of chance.** "Game of chance" means a game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value; [2009, c. 487, Pt. A, §2 (NEW).]

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and [2009, c. 487, Pt. A, §2 (NEW).]

C. Chance enters as an element that influences the outcome in a manner that cannot be eliminated through the application of skill. [2009, c. 487, Pt. A, §2 (NEW).]

For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck of cards, a roll of a die or dice or a random drawing or generation of an object that may include, but is not limited to, a card, a die, a number or simulations of any of these. A shuffle of a deck of cards, a roll of a die, a random drawing or generation of an object or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance. For purposes of this chapter, beano, bingo, a savings promotion raffle and table games as defined in Title 8, section 1001, subsection 43-A are not games of chance.

[ 2011, c. 420, Pt. A, §11 (AMD) .]

**6. Game of skill.** "Game of skill" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**7. Gross revenue.** "Gross revenue" means the total amount wagered in a game of chance less the prizes awarded.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**8. Licensee.** "Licensee" means a firm, corporation, association or organization licensed by the Chief of the State Police to operate a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**9. Machine.** "Machine" means any machine, including electronic devices, however operated, the internal mechanism or components of which when set in motion or activated and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 17. A machine as defined by this subsection is not eligible to be licensed under this chapter.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**10. Member.** "Member" means a bona fide member of a firm, corporation, association, organization, department or class or a combination thereof who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**11. Net revenue.** "Net revenue" means gross revenue less allowable expenses as described in section 1838.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**12. Printer.** "Printer" means a person, firm, corporation, association or organization that reproduces in printed form, for sale or distribution, materials to be used in the conduct of a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**13. Raffle.** "Raffle" means a game of chance in which:

A. A person pays or agrees to pay something of value for a chance, represented and differentiated by a number, to win a prize; [ 2009, c. 487, Pt. A, §2 (NEW) . ]

B. One or more of the chances is to be designated the winning chance; and [ 2009, c. 487, Pt. A, §2 (NEW) . ]

C. The winning chance is to be determined as a result of a drawing from a container holding numbers representative of all chances sold. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

"Raffle" does not include a savings promotion raffle.

[ 2009, c. 599, §2 (AMD) . ]

**14. Roulette.** "Roulette" means a game of chance in which players bet on the compartment of a revolving wheel into which a small ball will come to rest.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**14-A. Savings promotion raffle.** "Savings promotion raffle" means a promotion offered by a financial institution authorized to do business in this State as defined in Title 9-B, section 131, subsection 17-A or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A in which the sole consideration required for a chance of winning the designated prize in the raffle is the deposit of at least a specified amount of money into a savings account or other savings program and in which:

A. The savings account or other savings program provides interest at a comparable rate to other savings accounts or savings programs offered by that financial institution or credit union, with the interest accruing for the benefit of the account holder, and allows account holders access to deposited money;

[ 2009, c. 599, §3 (NEW) . ]

B. The total of the designated prizes for each raffle does not exceed \$1,000 or the fair market value of \$1,000 in cases when an item or items of merchandise are the designated prizes; [ 2009, c. 599, §3 (NEW) . ]

C. The promotion is offered no more than 2 times per year; and [ 2009, c. 599, §3 (NEW) . ]

D. The terms and conditions of the promotion are disclosed to account holders and prospective account holders of the financial institution or credit union. [ 2009, c. 599, §3 (NEW) . ]

[ 2009, c. 599, §3 (NEW) . ]

**15. Slot machine.** "Slot machine" means any machine that operates by insertion of a coin, token or similar object setting the internal mechanism of the machine in motion and that by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 17. A slot machine as defined by this subsection is not eligible to be licensed in accordance with this chapter.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**16. Social gambling.** "Social gambling" means a contest of chance in which the only participants are players and from which no person or organization receives or becomes entitled to receive something of value or any profit whatsoever, directly or indirectly, other than as a player, from any source, fee, remuneration connected with gambling or such activity as arrangements or facilitation of the game, permitting the use of premises or selling or supplying for-profit refreshments, food, drink service or entertainment to participants, players or spectators.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**17. Something of value.** "Something of value" means:

A. Any money or property; [ 2009, c. 487, Pt. A, §2 (NEW) . ]

B. Any token, object or article exchangeable for money, property, amusement or entertainment; or [ 2009, c. 487, Pt. A, §2 (NEW) . ]

C. Any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**18. Tokens.** "Tokens" means distinctive objects, chips, tickets or other devices of no intrinsic value used as a substitute for cash in accounting for revenue from a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 599, §1-3 (AMD). 2011, c. 420, Pt. A, §11 (AMD).

## §1832. LICENSES

**1. License required.** Except as provided in section 1833, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by the Chief of the State Police in accordance with this section. A license is not required when a game of chance constitutes social gambling.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Eligible organizations.** Notwithstanding other provisions of law, the Chief of the State Police may issue a license to operate a game of chance to an organization that submits a completed application as described in subsection 5 and has been founded, chartered or organized in this State for a period of not less than 2 consecutive years prior to applying for a license and is:

A. An agricultural society; [ 2009, c. 487, Pt. A, §2 (NEW) .]

B. A bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization; [ 2009, c. 487, Pt. A, §2 (NEW) .]

C. A volunteer fire department; or [ 2009, c. 487, Pt. A, §2 (NEW) .]

D. An auxiliary of any of the organizations in paragraphs A to C. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Must be 18 years of age.** The Chief of the State Police may not accept an application from or issue a license under this section to a representative of an eligible organization who is not 18 years of age or older.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**4. Municipal approval required.** An eligible organization described in subsection 2 applying for a license to conduct a game of chance shall obtain written approval from the local governing authority where the game of chance is to be operated or conducted. This written approval must be submitted with the application to the Chief of the State Police as described in subsection 5.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**5. Application.** An eligible organization described in subsection 2 wishing to operate or conduct a game of chance shall submit an application to the Chief of the State Police. The application must be in a form provided by the Chief of the State Police and must be signed by a duly authorized officer of the eligible organization. The application must include the full name and address of the organization, a full description of the game of chance, the location where the game is to be conducted and any other information determined necessary by the Chief of the State Police for the issuance of a license to operate a game of chance, including but not limited to membership lists, bylaws and documentation showing the organization's nonprofit status or charitable designation.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**6. Multiple licenses.** The Chief of the State Police may issue more than one license to conduct or operate a game of chance simultaneously to an eligible organization described in subsection 2. Each game of chance must have a separate license, the nature of which must be specified on the license.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**7. Agricultural fairs.** Notwithstanding any provision in this chapter to the contrary, in addition to games of chance, the Chief of the State Police may issue a license to conduct or operate games of chance known as "penny falls" or "quarter falls" at any agricultural fair, as long as the net revenue from those games is retained by the licensed agricultural society.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**8. Electronic video machines.** The Chief of the State Police may issue a game of chance license to operate an electronic video machine to any eligible organization described in subsection 2.

A. An electronic video machine licensed under this section may only be operated for the exclusive benefit of the licensee, except that up to 50% of the gross proceeds from the operation of the machine may be paid to the distributor as a rental fee and for service and repair of the machine. Notwithstanding other provisions of this chapter, a licensee may rent an electronic video machine from a distributor.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

B. No more than 5 electronic video machines may be operated on the licensee's premises. A separate games of chance license is required for the operation of each electronic video machine. [ 2009, c. 487, Pt. A, §2 (NEW) .]

C. A licensee may operate an electronic video machine only on the licensee's premises. [ 2009, c. 487, Pt. A, §2 (NEW) .]

D. Two or more licensees may not share the use of any premises for the operation of electronic video machines. [ 2009, c. 487, Pt. A, §2 (NEW) .]

E. A distributor or employee of the distributor may not be a member of the licensed organization. [ 2009, c. 487, Pt. A, §2 (NEW) .]

F. An electronic video machine licensed under this subsection may not be operated in a manner that meets the definition of illegal gambling machine as described in Title 17-A, section 952, subsection 5-A. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

### **§1833. LICENSE EXCEPTIONS FOR GAMES OF CHANCE** **(REPEALED)**

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). MRSA T. 17, §1833, sub-§8 (RP) .

### **§1834. FEES**

**1. Original application fee.** The original application for a license to operate a game of chance must be accompanied by a fee of \$7.50. This is not a fee for a license and is not refundable.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Operation of games of chance.** Except for electronic video games and games of cards as provided in this section, the fee for a license to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

The Chief of the State Police may issue any combination of weekly or monthly licenses for the operation of games of chance. Except for games of cards as provided in subsection 4, licenses to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Operation of electronic video machines.** The fee for a game of chance license to operate an electronic video machine in accordance with section 1832, subsection 8 is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60.

The Chief of the State Police may issue any combination of weekly or monthly licenses for the operation of electronic video machines. A license or combination of licenses to operate an authorized electronic video machine may be issued for a period of up to 12 months.

[ 2009, c. 652, Pt. C, §2 (AMD); 2009, c. 652, Pt. C, §4 (AFF) .]

**4. Games of cards.** The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than a \$10 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$10 daily entry fee is gambled by any person in connection with the game of cards, is \$30 for each calendar year or portion of a calendar year. For card games that are played by placing the maximum bet of \$1 per hand or deal, the license fee is the same as provided in subsection 2.

[ 2013, c. 218, §1 (AMD) .]

**5. Distributors.** The fee for a license issued to a distributor is \$625 for each calendar year or portion of a calendar year.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**6. Printers.** The fee for a license issued to a printer is \$15 for each calendar year or portion of a calendar year.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**7. Application.** A license to operate any authorized game of chance may be issued for a period of up to 12 months on one application.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

All fees required by this section must accompany the application for any license issued by authority of this chapter. [2009, c. 487, Pt. A, §2 (NEW).]

Fees submitted as license fees must be refunded if the license is not issued. Rebates may not be given for any unused license or portion of an unused license. If any license is suspended or revoked as provided by this chapter, fees paid for that license may not be refunded. [2009, c. 487, Pt. A, §2 (NEW).]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 652, Pt. C, §2 (AMD). 2009, c. 652, Pt. C, §4 (AFF). 2013, c. 218, §1 (AMD).



## §1835. CONDUCT GAMES OF CHANCE

**1. Wagers or entry fees; exceptions.** The following limits apply to games of chance.

A. The maximum bet for a licensed game of chance including card games in which bets are placed per hand or per deal is \$1. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$10 daily entry fee and no more than 60 players at any one time at any one location. [ 2013, c. 218, §2 (AMD) . ]

C. If the licensee operates games of chance for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games of chance to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee;
- (2) Fifty cents per game; or
- (3) Twenty-five cents per card received.

Prior to play of the game, the licensee shall determine which of the limits in subparagraphs (1), (2) and (3) is to be used and shall post the limit. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

[ 2013, c. 218, §2 (AMD) . ]

**2. Games conducted by members and bartenders of licensee only.** A game of chance licensed pursuant to this chapter must be operated and conducted for the exclusive benefit of the licensee and must be operated and conducted only by duly authorized members of the licensee or by persons employed by the licensee as bartenders, except that nonmembers employed by the licensee as bartenders may not operate or conduct any game of chance permitted under subsection 5, paragraph B. The requirements of this subsection do not apply to any agricultural society licensed to operate a game of chance.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit.** Games of chance operated and conducted solely by members of an agricultural society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Chief of the State Police by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Chief of the State Police must be unique to the agricultural society and may be in denominations of 25¢, 50¢ or \$1. The tickets, tokens or devices approved by the Chief of the State Police may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**4. Persons under 18 years of age; exception.** Except as provided in this subsection, a licensee, game owner or operator may not permit a person under 18 years of age to take part in a game of chance, and a person under 18 years of age may not sell chances, except in relation to charitable, religious or recognized youth associations. Notwithstanding any rule to the contrary, upon receiving an application on a form

provided by the Chief of the State Police and a determination by the chief that a game of chance licensed to be conducted at a festival-style event is designed to attract players under 18 years of age and awards a nonmonetary prize valued at less than \$10 for every chance played, the chief may permit:

A. Persons under 18 years of age to conduct or operate the game of chance; and [ 2009 , c. 487 , Pt. A, §2 (NEW) .]

B. Persons under 18 years of age to play the game of chance without being accompanied by an adult. [ 2009 , c. 487 , Pt. A, §2 (NEW) .]

Nothing in this subsection permits games of chance to be operated without a license.

[ 2009 , c. 487 , Pt. A, §2 (NEW) .]

**5. Location.** A license issued pursuant to this section must specify the location where the organization may operate the licensed game of chance. A licensee may not operate games of chance in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society. [ 2009 , c. 487 , Pt. A, §2 (NEW) .]

B. No more than one licensee may operate a game of chance at a time on the same premises. In any room where a licensed game of chance is being conducted, there must be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's game of chance unless the member has been a member of the licensee for at least 14 days not including the day of admission into membership. [ 2009 , c. 487 , Pt. A, §2 (NEW) .]

A bona fide nonprofit organization may operate a licensed game of chance to which the general public has access once every 3 months for a period not to exceed 3 consecutive days. The licensed game of chance may be operated at any location described in the license and may be conducted only by members of the licensee. This subsection does not apply to raffles conducted in accordance with section 1837.

[ 2009 , c. 487 , Pt. A, §2 (NEW) .]

**6. Door prizes.** Distribution of tickets to an event upon which appear details concerning any prize to be given away as a result of a drawing is a game of chance within the meaning of this chapter; a distribution of tickets containing only the words "Door Prize," without further description, is excluded from the provisions of this chapter, as long as no promotional materials or presentations, written or oral, describe the door prize.

[ 2009 , c. 487 , Pt. A, §2 (NEW) .]

**7. "Donation" not to provide an exclusion.** The word "donation" printed on a ticket does not exclude the sponsoring organization from complying with this chapter.

[ 2009 , c. 487 , Pt. A, §2 (NEW) .]

**8. Wager limit exception.** Notwithstanding subsection 1, an organization that is licensed to conduct games of chance in accordance with this chapter is permitted to accept wagers up to \$50 per hand for a poker run. The organization must inform the Chief of the State Police 30 days in advance of the date when the organization intends to conduct a poker run with an increased wager limit. An organization is limited to 2

poker run events per calendar year in which wagers up to \$50 per hand are permitted. For the purposes of this subsection, "poker run" means a game of chance using playing cards that requires a player to travel from one geographic location to another in order to play the game.

[ 2013, c. 149, §1 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 652, Pt. C, §3 (AMD). 2009, c. 652, Pt. C, §4 (AFF). 2013, c. 149, §1 (AMD). 2013, c. 218, §2 (AMD).

## §1836. TOURNAMENT GAMES

The Chief of the State Police may issue a license under this section to an organization eligible to conduct beano games under chapter 13-A and games of chance under this chapter to conduct up to 2 tournament games per month. For purposes of this section, "tournament game" means a game of chance played using a deck of cards with rules similar to poker or other card games. [2011, c. 325, §1 (AMD).]

**1. Local governing authority approval.** An organization applying for a tournament game license must first receive approval by the local governing authority where the game is to be conducted. Proof of approval from the local governing authority must be provided to the Chief of the State Police upon application for a tournament game license.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. License application.** An organization must submit a license application to the Chief of the State Police on a form provided by the Chief of the State Police. The license application must specify one or more charitable organizations that the proceeds of the tournament game are intended to benefit. For the purposes of this section, "charitable organization" means a person or entity, including a person or entity in a foreign state as defined in Title 14, section 8502, that is or purports to be organized or operated for any charitable purpose or that solicits, accepts or obtains contributions from the public for any charitable, educational, humane or patriotic purpose.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

### 3. License.

[ 2011, c. 325, §2 (RP) .]

**3-A. License.** The license fees for tournament game licenses are as follows:

A. For tournament games that do not exceed 100 players:

- (1) Seventy-five dollars per tournament license;
- (2) Two hundred dollars for a monthly license; and
- (3) Fifteen hundred dollars for an annual license; and [2013, c. 306, §1 (AMD).]

B. For tournament games that exceed 100 players:

- (1) Three hundred dollars for a tournament game with 101 to 150 players;
- (2) Four hundred dollars for a tournament game with 151 to 200 players;
- (3) Five hundred dollars for a tournament game with 201 to 250 players; and
- (4) Six hundred dollars for a tournament game with 251 to 300 players. [2011, c. 325, §3 (NEW) .]

[ 2013, c. 306, §1 (AMD) .]

**4. Tournament.** The organization licensed to conduct a tournament game under this section shall display the rules of the tournament game and the license issued. The maximum number of players allowed is 100 unless the tournament game is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament game play. The maximum entry fee to play in the tournament game is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed \$125. Only one entry fee is permitted per person. A tournament game must be completed within 48 hours. Other games of chance on the premises are prohibited during a tournament game, except for lucky seven or similar sealed tickets and no more than one 50/50 raffle per tournament with a prize value up to \$1,000. This subsection does not prohibit a licensee from conducting one winner-take-all hand per tournament game with a bet limit of \$5. The total number of bets received in a winner-take-all round must be awarded to the winner or in the case of multiple winners divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash.

[ 2013, c. 306, §2 (AMD) .]

**5. Proceeds.** No less than 75% of the entry fees under subsection 4 must be paid as prizes to the winners of the tournament game.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**6. Cost of administration; surplus.** The Chief of the State Police may retain, from license fees collected in accordance with subsection 3-A, only an amount necessary to defray the costs of administering this section. All fees collected in excess of the amount necessary to defray the costs of administration must be allocated as follows:

A. Forty percent to the Fractionation Development Center; and [2009, c. 487, Pt. A, §2 (NEW) .]

B. Sixty percent to the General Fund. [2009, c. 487, Pt. A, §2 (NEW) .]

[ 2011, c. 325, §5 (AMD) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2011, c. 325, §§1-5 (AMD). 2013, c. 306, §§1, 2 (AMD).

## §1837. RAFFLES

**1. Raffles with prizes of \$10,000 or less.** Notwithstanding section 1832, subsection 1, a license to conduct or operate a raffle in which the holder of the winning chance does not receive something of value worth more than \$10,000 is not required of the following:

A. Any agricultural society or any bona fide nonprofit organization that is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such an organization; [2009, c. 487, Pt. A, §2 (NEW) .]

B. Any volunteer police force, fire department or ambulance corps; [2009, c. 487, Pt. A, §2 (NEW) .]

C. Any class or organization of an elementary, secondary or postsecondary educational institution operated or accredited by the State; or [2009, c. 487, Pt. A, §2 (NEW) .]

D. Any state agency that conducts or operates a raffle for a donated item to benefit fish and wildlife conservation projects. [2009, c. 487, Pt. A, §2 (NEW) .]

Any exempt organization, department or class or combination listed in paragraph A, B, C or D may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination, and that raffle may be conducted only by duly authorized members of the sponsoring organization, department or class or combination.

A state agency may not conduct or operate more than 2 raffles per year pursuant to paragraph D.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Special raffles; prizes more than \$10,000 but not more than \$75,000.** The following provisions apply to special raffles licensed under this subsection.

A. The Chief of the State Police may issue one special raffle license per year to any organization, department or class eligible to hold a raffle under subsection 1. The special raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. A raffle licensed under this paragraph may be structured as a progressive raffle that is divided into a maximum of 12 multiple drawings with previous entries rolled into subsequent drawing pots and with the final drawing to be held within 12 months of the first. Drawings must be used to randomly select a smaller group to be eligible for the final prize to be awarded after the final drawing. Section 1835, subsection 1 does not apply to raffles licensed under this section.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000. [ 2009, c. 487, Pt. A, §2 (NEW) .]

C. All tickets sold pursuant to a special raffle license must be purchased from a licensed distributor or licensed printer. Tickets must be sequentially numbered and have printed on their faces the following information: the name of the special raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 1 that conducts a raffle under this section shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief of the State Police. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Charitable organizations; livestock raffling.** A license is required before a charitable organization may raffle livestock for fund-raising purposes under Title 7, section 3972, subsection 4. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee shall make forms available for charitable organizations to apply for licenses for one-year or 3-year periods. If the commissioner or the commissioner's designee is satisfied that the charitable organization has not violated or will not violate the restrictions of Title 7, section 3972, a license must be issued.

[ 2009, c. 487, Pt. A, §2 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

**4. Raffle tickets sold by volunteers.** Notwithstanding section 1835, subsection 2, tickets for raffles licensed in accordance with this section may be sold by persons other than members of the licensed organization as long as the persons selling the tickets are uncompensated volunteers for the organization and the names of the volunteers who sell the tickets are provided to the Chief of the State Police within 10 days of issuance of the raffle license.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2011, c. 657, Pt. W, §6 (REV).

## §1838. REVENUE AND EXPENSES

**1. Compensation.** Those who conduct games of chance may not be paid for such services except according to this subsection.

A. An organization including a fair licensed to operate beano, bingo or lucky seven games may use up to 20% of the gross revenue to compensate those who conduct the games. [2009, c. 487, Pt. A, §2 (NEW).]

B. Each person who conducts a game of chance licensed to an agricultural society may be paid at a rate that does not exceed 3 times the State's minimum wage as established in Title 26, section 664, subsection 1, unless the game is one for which the limit in paragraph A applies. [2009, c. 487, Pt. A, §2 (NEW).]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Exception.** Notwithstanding subsection 1, a licensee may use the proceeds of a game of chance to:

A. Defray the expenses or part of the expenses that further the purpose for which the organization is formed, except that the proceeds may not be:

- (1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or
  - (2) Paid directly to organization members except as specifically allowed in this section; and
- [2009, c. 487, Pt. A, §2 (NEW).]

B. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application pursuant to this section and the application is approved by the licensing division within the Bureau of State Police. An application must be made in the form and contain the information the licensing division requires.

- (1) In the case of serious illness or injury, the licensing division may require certification by a licensed physician in support of the application.
- (2) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.
- (3) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits. [2009, c. 487, Pt. A, §2 (NEW).]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Rules.** The Chief of the State Police shall adopt routine technical rules in accordance with Title 5, chapter 375 to carry out this section.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**4. Posting.** An organization licensed to conduct a game of chance pursuant to section 1832 shall post in a conspicuous place in the room or hall where games of chance are conducted a sign that states the net revenue earned from the operation of the game in dollars and cents, the amount of charitable donations from that net revenue in dollars and cents, what percentage in dollars and cents of the net revenue that amount represents in donations to nonprofit activities and what percentage of the net revenue was distributed from licensed games for the previous calendar year and has been distributed in the current calendar year. For the purposes of this subsection, "calendar year" means January to December.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

## §1839. LICENSEE RECORDS AND REPORTS

**1. Records required.** Each licensee shall keep a record of all financial transactions involving games of chance operated under each license granted to the licensee. The treasurer of the licensee or another officer designated by the treasurer is responsible for maintaining those records. The records must include an exact account of all gross revenue from the games, an itemization of all allowable expenses, including, but not limited to, the cost of prizes, printing, licenses and administration, and the disposition of all proceeds, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever. All financial records involving games of chance must be separate and distinguishable from other records of the organization. Revenue from more than one game of chance may be entered into one account.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**2. Records required for licensee employing tokens.** If a licensee employs tokens to account for revenue from games of chance and if the licensee maintains direct control over the sale and redemption of the tokens and keeps accurate records of all tokens used, then the chief may by rule alter or reduce the record-keeping requirements of subsection 1 to the extent that a licensee's use of tokens renders those records unnecessary for adequate control of the licensee's games.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**3. Disposition of funds reports.** Within 10 business days after the last day of any period during which a licensed game of chance is conducted with other than an annual license or within 10 business days after the end of each calendar month during which a licensed game of chance is conducted with an annual license, the licensee shall file with the Chief of the State Police a disposition of funds form prescribed and furnished by the Chief of the State Police, detailing for the period the total receipts and expenditures of the game and the disposition of funds. Every statement must be made under oath by an officer of the licensee or by the member in charge of the conduct of the game.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**4. Disposition of funds reports from licensee using tokens.** If tokens are employed to account for revenue from games of chance, then the licensee shall report the number of tokens sold, the number redeemed and the disposition of funds from the proceeds of sale in addition to such other information as the chief may require under subsection 3.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**5. Records maintained for 3 years.** Every licensee that has conducted a game of chance shall maintain and keep for a period of 3 years reports as may be necessary to substantiate the records and reports required by this section or by the rules adopted under this chapter.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**6. Location.** All records maintained by a licensee pursuant to this section and pursuant to the rules adopted under this chapter must be kept and maintained on the premises where the game of chance has been conducted or at the primary business office of the licensee, which must be designated by the licensee in the license application. These records must be open to inspection by the Chief of the State Police or the

chief's representative, and a licensee may not refuse the Chief of the State Police or the chief's representative permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

## §1840. DISTRIBUTORS AND PRINTERS; RECORDS AND REPORTS

**1. Printers licensed.** A printer in the State may not print materials to be used in the conduct of a licensed game of chance unless licensed by the Chief of the State Police. A printer licensed under this section may act as a distributor without having to be licensed as a distributor as long as neither the printer nor anyone on the printer's behalf acts as a seller for services connected with a game of chance outside of the confines of the printer's premises described in that printer's license. If that printer or someone else acts as a seller for the printer's services in connection with a game of chance outside of the premises described on that printer's license, either that printer or any person or persons acting on that printer's behalf must be licensed as a distributor under subsection 2.

The applicant for a printer's license, or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on a form provided by the Chief of the State Police. The Chief of the State Police shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Distributors licensed.** A distributor may not sell, lease, market or otherwise distribute gambling apparatus or implements unless licensed by the Chief of the State Police, except that a license is not required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000.

A nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State must have an agent in this State who is licensed as a distributor. A distributor may not sell, market or otherwise distribute gambling apparatus or implements to a person or organization, except to persons or organizations licensed to operate or conduct games of chance under section 1832, licensed to conduct a special raffle under section 1837, subsection 2 or eligible to conduct a raffle pursuant to section 1837, subsection 1. A distributor may not lease or loan or otherwise distribute free of charge any gambling apparatus or implements to an organization eligible to operate a game of chance, except that a distributor may lease gambling apparatus or implements to an agricultural society licensed to operate games of chance on the grounds of the agricultural society and during the annual fair of the agricultural society as long as the distributor does not charge the agricultural society an amount in excess of 50% of the gross revenue from any licensed game of chance.

A licensee shall acquire gambling apparatus and implements from a distributor licensed under this section, unless the gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time may any licensee print, manufacture or construct any gambling apparatus or implements for distribution to any other licensee. The applicant for a distributor's license, or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on a form provided by the Chief of the State Police. The Chief of the State Police shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

[ 2009, c. 487, Pt. A, §2 (NEW) .]



**3. Sales agreements.** A distributor shall forward to the Chief of the State Police, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements must be reported to the Chief of the State Police by the purchaser within 6 days of the change, modification or alteration.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**4. Service agreements.** With the sale of any gambling machine involving a service agreement, the distributor shall forward to the Chief of the State Police a copy of the agreement prior to delivery of the machine. The terms of the service agreements must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement must be reported to the Chief of the State Police by the purchaser within 6 days of the change, modification or alteration.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**5. Agricultural societies; lease agreements.** When a gambling apparatus or implement is leased as provided in subsection 2 to an agricultural society, the distributor shall forward to the Chief of the State Police a copy of the lease agreement prior to delivery of the gambling apparatus or implement. The terms of the lease must include, but are not limited to, the name of the lessor; address of the lessor; name of the lessee; address of the lessee; description of the gambling apparatus or implement; serial number, model name or number of the gambling apparatus or implement; and all prices and payments for the lease. Each lease must be for a specific period of time no longer than the duration of the annual fair of that lessee, and each gambling apparatus must have its own separate lease. Gambling apparatus or implements leased under this section:

A. May be operated only for the exclusive benefit of the agricultural society, except that the agricultural society may pay a distributor up to 50% of gross gaming revenue in accordance with subsection 2; and  
[ 2009, c. 487, Pt. A, §2 (NEW) .]

B. Must bear the name and address of the distributor. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**6. Reports.** At the end of each calendar month, a distributor or printer shall file with the Chief of the State Police a report indicating:

A. The names and addresses of all persons or organizations to which the distributor or printer has distributed equipment and the dates of the distribution; [ 2009, c. 487, Pt. A, §2 (NEW) .]

B. A description of the equipment distributed, including serial number and model name and number; and  
[ 2009, c. 487, Pt. A, §2 (NEW) .]

C. The quantities of any equipment distributed. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**7. Retention and inspection of records.** A distributor or printer shall maintain and keep for a period of 3 years, on the premises of the distributor or printer, any records that may be necessary to substantiate the reports required by this section or by the rules adopted under this chapter. The records must be open to

inspection, and a licensee may not refuse the Chief of the State Police or the chief's representative permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**8. Reports generally.** The Chief of the State Police shall require from any licensed printer or distributor, or from any organization authorized to operate a game of chance, whatever reports determined necessary by the chief for the purpose of the administration and enforcement of this chapter.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

## §1841. PROHIBITED ACTS

**1. Schemes prohibited.** A license may not be issued under this chapter for the conduct or operation of a machine, a slot machine, roulette or games commonly known as policy or numbers, except that a license may be issued for an electronic video machine. An electronic video machine that constitutes a game of chance is fully governed by this chapter.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Prohibited games.** The following games are prohibited:

A. A game that uses objects that are constructed, designed or altered to be other than what they appear to be and to respond in a way other than that in which the average player would assume that they would respond, unless that construction, design or alteration is permitted in the rules governing that game and the construction, design or alteration meets the requirements of those rules; [ 2009, c. 487, Pt. A, §2 (NEW) .]

B. A game in which the operator either partially or entirely controls the outcome of the game by the operator's manner of operating or conducting the game; [ 2009, c. 487, Pt. A, §2 (NEW) .]

C. A game in which the outcome depends upon the word of the operator against the word of the player; and [ 2009, c. 487, Pt. A, §2 (NEW) .]

D. A game of skill that includes any mechanical or physical device that directly or indirectly impedes, impairs or thwarts the skill of the player. [ 2009, c. 487, Pt. A, §2 (NEW) .]

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**3. Glass prohibited.** The use of glass is prohibited in games of skill pursuant to Title 32, section 1873.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

## §1842. INVESTIGATIONS AND ACTIONS ON LICENSES; EVIDENCE

**1. Investigation.** The Chief of the State Police shall investigate or cause to be investigated all complaints made to the chief and all violations of this chapter or the rules adopted pursuant to section 1843.

[ 2009, c. 487, Pt. A, §2 (NEW) .]

**2. Refusal to issue, modify or renew; modification; suspension; revocation.** Each of the following is grounds for an action to refuse to issue, modify or renew or to modify, suspend or revoke the license of a distributor or printer licensed under this chapter:

- A. The distributor or printer or its resident manager, superintendent or official representative made or caused to be made a false statement of material fact in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- B. The distributor or printer or its resident manager, superintendent or official representative violated any provision of this chapter or any rule adopted by the Chief of the State Police under section 1843.
  - (1) Except as provided in subparagraph (2), the Chief of the State Police shall give written notice of any violation to the distributor or printer who then has 14 days to comply. Failure to comply within the 14-day period is grounds for an action under this section.
  - (2) If a distributor or printer violates section 1840, subsection 1 or 2, the Chief of the State Police is not required to give the notice or allow the compliance period provided in subparagraph (1); or [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- C. The distributor or printer or its resident manager, superintendent or official representative has been:
  - (1) Convicted of a crime under this chapter or Title 17-A, chapter 39; or
  - (2) Convicted within the prior 10 years of any crime for which imprisonment for more than one year may be imposed. [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]

[ 2009 , c. 487 , Pt. A , §2 (NEW) . ]

**3. Chief of the State Police.** The Chief of the State Police may:

- A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses; [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- B. Suspend, revoke or refuse to issue a license, after notice and the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee or licensee's agent or employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure pursuant to this chapter; [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39; [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- D. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the chief, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; and [ 2009 , c. 487 , Pt. A , §2 (NEW) . ]
- E. Require such evidence as the chief determines necessary to satisfy the chief that an applicant or organization licensed to conduct games of chance conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded, must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require of any licensee or of any person operating, conducting or assisting in the operation of a licensed game of chance evidence

as the chief may determine necessary to satisfy the chief that the person is a duly authorized member of the licensee or a person employed by the licensee as a bartender as required by section 1835, subsection 2. Upon request, this evidence must be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of games of chance by a licensee to determine compliance with this chapter. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**4. Licensing actions after notice and opportunity for hearing.** The Chief of the State Police shall notify the applicant or licensee in writing, before a license is denied, suspended or revoked pursuant to subsection 3, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant or licensee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's or licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee or the licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant or licensee is notified of the proposed denial, suspension or revocation. The suspension or revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**5. Immediate suspension or revocation.** A licensee whose license is immediately suspended or revoked by the Chief of the State Police pursuant to subsection 3, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**6. Access to premises.** A person, firm, corporation, association or organization making application to the Chief of the State Police to conduct or operate a game of chance or any such person, firm, corporation, association or organization authorized under this chapter to conduct or operate a game of chance shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of a game of chance by the Chief of the State Police or the chief's authorized representative.

A firm, corporation, association or organization licensed to conduct or operate a game of chance shall permit at any time the Department of Public Safety or the city or town fire inspectors of the municipality in which the licensed game is being conducted to enter and inspect the licensed premises.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

#### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

## §1843. RULES

The Chief of the State Police may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance. The Chief of the State Police may regulate, supervise and exercise general control over the operation of such games. In establishing such rules, the Chief of the State Police must, in addition to the standards set forth in other provisions of this chapter, set forth conduct, conditions and activity considered undesirable, including: [ 2009, c. 487, Pt. A, §2 (NEW) . ]

**1. Fraud.** The practice of any fraud or deception upon a participant in a game of chance;

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**2. Unsafe premises.** The conduct of a game of chance in or at premises that may be unsafe due to fire hazard or other such conditions;

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**3. Advertising and solicitation.** Advertising that is obscene or solicitation on a public way of persons to participate in a game of chance;

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**4. Organized crime.** Infiltration of organized crime into the operation of games of chance or into the printing or distributing of gambling materials;

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**5. Disorderly persons.** Presence of disorderly persons in a location where a game of chance is being conducted;

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**6. Leasing of equipment.** Leasing of equipment by a licensee used in the operation of games of chance not in accordance with this chapter; and

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

**7. Bona fide nonprofit organization.** The establishment of organizations that exist primarily to operate games of chance and do not have a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or public safety purpose.

[ 2009, c. 487, Pt. A, §2 (NEW) . ]

The Chief of the State Police shall provide a mechanism for individuals and businesses to request a determination from the State Police as to whether a particular game, contest, scheme or device qualifies as a game of chance or a game of skill. [ 2009, c. 487, Pt. A, §2 (NEW) . ]

### SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

**§1844. VIOLATIONS**

A person who violates this chapter or rules adopted in accordance with this chapter commits a Class D crime. [2009, c. 487, Pt. A, §2 (NEW).]

## SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

**§1845. ADMINISTRATION EXPENSES**

The expenses of administering this chapter must be paid out of the fees received in accordance with this chapter. [2009, c. 487, Pt. A, §2 (NEW).]

## SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

**§1846. VENDING MACHINES**

Nothing in this chapter applies to vending machines the primary purpose of which is to dispense beverages, candy, fruit or other food items when a coin or bills are inserted into the machine. [2009, c. 487, Pt. A, §2 (NEW).]

## SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

## Chapter 63: INCEST

### **§1851.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §9 (RP).

## Chapter 65: INDECENT EXPOSURE

### **§1901.**

*(REPEALED)*

#### SECTION HISTORY

1965, c. 283, (AMD). 1975, c. 499, §9 (RP).



## Chapter 67: INDECENT LIBERTIES

### **§1951. PENALTY**

*(REPEALED)*

#### SECTION HISTORY

1969, c. 433, §21 (AMD). 1975, c. 499, §10 (RP).

### **§1952. FIREARM**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §11 (NEW). 1975, c. 740, §7 (RP).

## Chapter 69: INTOXICATION

### §2001. PUBLIC INTOXICATION AND DISTURBANCE

*(REPEALED)*

#### SECTION HISTORY

1971, c. 460, §§1,2 (AMD). 1973, c. 582, §3 (RP).

### §2002. RESPONSIBILITY FOR INJURIES BY DRUNKEN PERSONS

*(REPEALED)*

#### SECTION HISTORY

1985, c. 435, §§1,4 (AMD). 1985, c. 723, §1 (RP).

### §2003. DRINKING IN UNLICENSED PLACES

*(REPEALED)*

#### SECTION HISTORY

1981, c. 418, §1 (RP).

### §2003-A. DEFINITIONS

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Authorized person" means a person having a relationship to the premises, which is unique and not shared by the general public. With respect to property owned by another, it includes a tenant, custodian or night watchman. With respect to publicly-owned property, it includes police officers and other public employees charged with the responsibility of maintaining or protecting public property. [1981, c. 418, §2 (NEW).]

B. "Liquor" means and includes any alcoholic, spirituous vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains more than 1/2 of 1% of alcohol by volume. [1981, c. 418, §2 (NEW).]

C. "Open container" means not having a cap, stopper or other cover in place. [1981, c. 418, §2 (NEW).]

D. "Public place" means:

(1) A place owned or operated by a governmental entity to which the public at large or a substantial group has access, including but not limited to:

- (a) Public ways as defined in Title 17-A, section 505;
- (b) Schools, government-owned custodial facilities;
- (c) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals; and
- (d) Public beaches; and

(2) Private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic. [1987, c. 59, (AMD).]

[ 1987, c. 59, (AMD) .]

**2. Crime.** A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, unless the person has been given permission to do so by the owner or authorized person.

[ 2001, c. 139, §1 (RPR) .]

**3. Evidence.** The possession of an open container of liquor in a public place is prima facie evidence of a violation of this section.

[ 1981, c. 418, §2 (NEW) .]

**4. Violation.** Violation of this section is a Class E crime.

[ 1985, c. 737, Pt. A, §39 (NEW) .]

#### SECTION HISTORY

1981, c. 418, §2 (NEW). 1985, c. 474, (AMD). 1985, c. 737, §A39 (AMD). 1987, c. 59, (AMD). 1991, c. 157, (AMD). 2001, c. 139, §1 (AMD).

## §2004. FORMS

The forms set forth in this section, with such changes as adapt them for use in municipalities, are sufficient in law for all cases arising under the provisions to which they purport to be adapted; and the costs to be taxed and allowed for a libel shall be 50¢; for entering the same, 30¢; for trying the same, \$1; for a monition, 50¢; for posting notices and return, \$1; for order to restore or deliver, 25¢; for executing the order, 50¢.

### Form of Complaint for Single Sale STATE OF MAINE

"....., ss. -- To

Judge of District Court  
Clerk  
Justice of the Peace

A. B., of ....., in said county, on the ..... day of ....., in the year of our Lord one thousand nine hundred ....., in behalf of said State, on oath ..... complains, that ....., of ....., in said county, on the ..... day of ....., 19...., at said ....., in said county of ....., did then and there sell a quantity of intoxicating liquors, to wit: one ..... of intoxicating liquor to one ....., " (or if the individual is unknown, "to some person to said complainant unknown,") "against the peace of said State, and contrary to the form of the statute in such case made and provided.

A. B.

On the ..... day of ....., 19...., said ..... makes oath, that the above complaint, by .....subscribed, is true.

Before me,.....

District Court Judge  
Clerk  
Justice of the Peace."

[1987, c. 736, §29 (AMD) .]

### Form of Warrant upon Complaint for Single Sale STATE OF MAINE

"....., ss. -- To the sheriff of our said county of ....., or either of his deputies, or either of the constables of the town of ....., or of either of the towns in said county. Greeting.

[L. S.] Whereas, A. B., of ....., on the ..... day of ....., in the year of our Lord one thousand nine hundred ....., in behalf of said State, on oath ..... complained to me, the subscriber, one of the ..... Judges of the District Court Clerks ....., that ....., Justices of the Peace ..... of ....., in said county, on the ..... day of ....., 19...., at said ....., in said county of ....., did sell a quantity of intoxicating liquors, to wit: one ..... of intoxicating liquor to one ....., against the peace of said State and contrary to the form of the statute in such case made and provided.

Therefore, in the name of the State of Maine, you are commanded forthwith to apprehend said ....., if he may be found in your precinct, and bring him before said court, the subscriber, to answer to said State upon the complaint aforesaid.

Witness, my hand and seal at ..... aforesaid, this ..... day of ....., in the year of our Lord nineteen hundred .....

Judge  
Clerk  
Justice of the Peace."

[1987, c. 736, §30 (AMD).]

#### Form of Complaint in Case of Seizure

##### STATE OF MAINE

".....,

ss .....

To A.B., esquire,  
District Court Judge  
Clerk  
Justice of the Peace

District .....,

Division .....

A. B., of ....., in said county, competent to be a witness in civil actions, on the ..... day of ....., in the year nineteen hundred ....., in behalf of said State, on oath complains, that he believes, that on the ..... day of ....., 19.... at said ....., intoxicating liquors were, and still are kept and deposited by ..... of ....., in said county, in ..... " (here describe with precision the place to be searched,) "and that said liquors then and there were, and now are intended by said ..... for sale in violation of law, against the peace of the State and contrary to the form of the statute in such case made and provided.

I therefore pray, that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said ... be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

....., ss. -- On the ..... day of ....., 19...., said A. B. made oath that the above complaint by him signed is true.

Before me,

.....  
District Court Judge  
Clerk  
Justice of the Peace."

[1987, c. 736, §31 (AMD).]

#### Form of Warrant in Case of Seizure

##### STATE OF MAINE

District .....  
Division of .....

"....., ss. .... To the sheriff of our several counties or any of their deputies, or any of the constables or police officers of any municipality in said State or any State Police officer.

[L. S.] Whereas A. B., of ....., in said county, competent to be a witness in civil actions, on the ..... day of ....., in the year nineteen hundred ....., in behalf of said State, on oath complained to the subscriber, an officer of the District Court, that he believes, that on the ..... day of ....., 19...., at said ....., intoxicating liquors were and still are deposited and kept by ....., of ....., in said county, in ....." (here follows a precise description of the place to be searched,) "and that said ..... then and there intended and now intends that the same shall be sold, in violation of law as fully appears by the complaint hereunto annexed, and prayed that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and, if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said ..... be apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him: --

You are therefore required in the name of the State, to enter the ..... before named, and therein to search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in which they are contained, until final action and decision is had on the same; and to apprehend said ..... forthwith, if he may be found in your precinct, and bring him before said court, and to do and receive such sentence as may be awarded against him.

Witness, ....., at ..... aforesaid, this ..... day of ....., in the year of our Lord nineteen hundred .....

.....  
District Court Judge  
Clerk  
Justice of the Peace

[1978, c. 736, §32 (AMD).]

#### Form of Libel STATE OF MAINE

"County of ....., ss. -- To A.B.,

District.....  
Division of .....  
District Court Judge  
Clerk  
Justice of the Peace

The libel of C.D., of ....., shows that he had, by lawful seizure, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows: ..... " (here follows a description of the liquors.) "because the same were kept and deposited at ..... " (describing the place) "in the said county of ....., and were intended for sale, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at ....., in said county, this ..... day of ....., in the year of our Lord nineteen hundred .....

(Signed.) ....."

[1987, c. 736, §33 (AMD).]

#### Form of Monition and Notice STATE OF MAINE

District .....  
Division of .....

"County of ....., ss.

[L. S.] To all persons interested in ..... " (here insert the description of the liquors, as in the libel).

"The libel of C. D., hereunto annexed, this day filed in said District Court shows that he has seized said liquors and vessels because" (insert as in the libel), "and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before this court on the ..... day of ....., 19...., and then and there show cause why said liquors and the vessels in which they are contained should not be declared forfeited.

Given under my hand and seal at ....., on the ..... day of ....., in the year of our Lord nineteen hundred .....

District Court Judge  
Clerk  
Justice of the Peace."

[1987, c. 736, §34 (AMD).]

Form of Complaint in Case of Seizure of Automobile  
STATE OF MAINE

District.....  
Division of.....

"...., ss. -- To the  
Judge  
Clerk  
Justice of the Peace  
of the District Court:

A. B., of ....., in the said county, competent to be a witness in civil actions, on the ..... day of ....., A. D., 19.., in behalf of said State, on oath complains, that he believes that on the ..... day of .... in said year, at said ....., in said county, a certain automobile, hereinafter described, was knowingly used for the illegal transportation of intoxicating liquors and intoxicating liquors were kept and deposited by persons unknown ..... of ..... in said automobile, situated on ..... street, in said ....., in said county, near number ..... on said street in said ....., and occupied by said persons unknown ....., said persons unknown ..... not being then and there authorized by law to transport liquors within said State, and that the said liquors were then and there knowingly being transported within said State, in violation of law, against the peace of said State, and contrary to the form of the statute in such case made and provided; and that the said liquors were then and there intended by said persons unknown ..... for sale in violation of law, against the peace of said State and contrary to the form of the statute in such case made and provided.

And the said ..... on oath further complains that he, the said ..... at said ..... on the ..... day of ....., A. D., 19...., being then and there an officer, to wit, a deputy sheriff, within and for said county, duly qualified and authorized by law to seize automobiles used for the illegal transportation of intoxicating liquors and intoxicating liquors kept and deposited for unlawful sale and the vessels containing them, by virtue of a warrant therefor issued in conformity with the provisions of the law, did find upon the above described premises, one ....., bearing engine number ....., and the 19 .... license number plates numbered ....., which said automobile then and there contained ....., which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said ..... and which said automobile was then and there knowingly used by the said ..... for the illegal transportation of intoxicating liquors from place to place in said ..... with intent that the said intoxicating liquors should be sold in violation of law; and which intoxicating liquors as aforesaid, and the vessels containing the same, were then and there kept, deposited and intended for unlawful sale as aforesaid, and said automobile was then and there being used for the illegal transportation of said liquors as aforesaid, within said State by the said

persons unknown, and did then and there by virtue of this authority as a deputy sheriff as aforesaid, seize the above described automobile, intoxicating liquors and the vessels containing the same, to be kept in some safe place for a reasonable time, and hath since kept and does still keep said automobile, liquors and vessels to procure a warrant to seize the same.

He therefore prays, that due process be issued to seize said automobile, liquors and vessels, and them safely keep until final action and decision be had thereon, and that said persons unknown ..... be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against them

On the ..... day of ....., the said ..... makes oath that the above complaint by him signed is true.

Before me, .....,  
District Court Judge  
Said Clerk  
Justice of the Peace."

[1987, c. 736, §35 (AMD).]

#### Form of Warrant in Case of Seizure of Automobile

##### STATE OF MAINE

"....., ss. -- To the sheriff of our county of ....., or either of his deputies, or either of the constables or police officers of any city or town within said county:

[L. S.]

In the name of said State you are commanded to seize the automobile, liquors and vessels containing the same, named in the foregoing complaint of the said ..... and now in his custody as set forth in said complaint, which is expressly referred to as a part of this warrant, and safely keep the same, until final action and decision be had thereon, and to apprehend the said persons unknown ..... forthwith, if they ..... may be found in your precinct, and them ..... bring before said court, holden at the District Court in said ....., to answer to said complaint, and to do and receive such sentence as may be awarded against them. Witness, ....., ..... esquire, our said Judge at ....., aforesaid, this ..... day of ....., A. D., 19....

..... Judge"

#### Form of Libel for Automobile

##### STATE OF MAINE

District .....  
Division of .....

"....., ss. -- To the Judge of the District Court:

The libel of ..... shows that he has by virtue of a warrant duly issued by the Judge of the District Court, seized on the ..... day of ....., A. D., 19...., a certain automobile, intoxicating liquors and the vessels in which the same were contained, described as follows: One ..... bearing engine number ..... and the 19.... license number plates numbered ....., which said automobile then and there contained ....., which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said ....., and which said automobile was then and there knowingly used by the said ..... for the illegal transportation of intoxicating liquors from place to place in said ....., and because the same were then and there kept and deposited on the ..... day of ....., A. D., 19...., on ..... street, in said ....., in said county, near number ..... on said street, in said ....., and because said automobile was being knowingly used for the illegal transportation of said liquors, within the State in violation of law. Wherefore he prays for a decree of forfeiture of said automobile, liquors and vessels, according to the provisions of law in such case made and provided. Dated at ....., in said county, the ..... day of ....., A. D. 19....

(Signed.) ....., Deputy Sheriff."

## Form of Monition and Notice Case of Automobile

## STATE OF MAINE

"....., ss.

[L. S.] To all persons interested in the automobile, liquors and vessels described in the foregoing libel: The libel of ..... hereunto annexed, this day filed with the District Court, shows that he has seized said automobile, liquors and vessels because the same were used, kept and deposited as set forth in said libel, and said automobile was then and there knowingly used for the illegal transportation of intoxicating liquors, and prays for a decree of forfeiture of the same, according to the provisions of law in such case made and provided. You are, therefore, hereby notified thereof, that you may appear before said court in said ....., on the ..... day of ....., A. D., 19...., at .... o'clock, A.M. and then and there show cause why said automobile, liquors and vessels in which they are contained should not be declared forfeited. Witness, ....., Esquire, our said Judge at ..... aforesaid, this ..... day of ....., A. D., 19....

..... Judge"

## SECTION HISTORY

1965, c. 431, §§15,15-A (AMD). 1987, c. 736, §§29-35 (AMD). 1987, c. 736, §sect:29-35 (AMD).

**§2005. LAW ENFORCEMENT AGENCY RESPONSIBILITIES**

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Intoxicated" means the state of having a disturbed mental capacity resulting from the introduction of alcohol, drugs or similar substances into the body. [1997, c. 756, §1 (NEW).]

B. "Public intoxication" means the state of being intoxicated in a public place. [1997, c. 756, §1 (NEW).]

C. "Public place" has the same meaning as provided in section 2003-A, subsection 1, paragraph D. [1997, c. 756, §1 (NEW).]

[ 1997, c. 756, §1 (NEW) .]

**2. Records.** A law enforcement agency shall keep records of all incidents of public intoxication that are reported in that law enforcement agency's jurisdiction.

[ 1997, c. 756, §1 (NEW) .]

**3. Reporting.** Beginning April 30, 1998 and monthly thereafter, each law enforcement agency shall submit a copy of its records of all known incidents of public intoxication to the Department of Public Safety. These records may not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety shall forward these records to the Department of Health and Human Services. The records must include at least the following information:

A. The number of reported cases of public intoxication; [1997, c. 756, §1 (NEW).]

B. The number of persons who are reported more than one time pursuant to paragraph A; [1997, c. 756, §1 (NEW).]

C. The number of persons voluntarily transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; [1997, c. 756, §1 (NEW).]

D. The number of persons voluntarily transported to their residence or left with a family member or friend as a result of reported incidents of public intoxication; and [1997, c. 756, §1 (NEW).]



E. The number of intoxicated persons left at the scene of the reported incident or at another public place.  
[1997, c. 756, §1 (NEW).]

[ 2011, c. 657, Pt. AA, §56 (AMD) .]

#### SECTION HISTORY

1997, c. 756, §1 (NEW). 2001, c. 354, §3 (AMD). 2003, c. 689, §B6 (REV). 2011, c. 657, Pt. AA, §56 (AMD).

## Chapter 70: SALVIA DIVINORUM

### §2011. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [ 2007, c. 120, §1 (NEW) . ]

**1. Minor.** "Minor" means a person who has not attained 18 years of age.

[ 2007, c. 120, §1 (NEW) . ]

**2. Person.** "Person" means an individual, corporation, partnership or unincorporated association.

[ 2007, c. 120, §1 (NEW) . ]

**3. Salvia divinorum.** "Salvia divinorum" means the herb Salvia divinorum and includes Salvinorin A and Divinorin A.

[ 2007, c. 120, §1 (NEW) . ]

**4. Transfer.** "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide with or without consideration.

[ 2007, c. 120, §1 (NEW) . ]

#### SECTION HISTORY

2007, c. 120, §1 (NEW) .

### §2012. UNLAWFUL TRANSFER OF SALVIA DIVINORUM TO A MINOR

**1. Violation.** A person may not transfer Salvia divinorum to a minor.

[ 2007, c. 120, §1 (NEW) . ]

**2. Penalty.** A person who violates this section commits a civil violation for which a fine of not less than \$50 and not more than \$1,500, plus court costs, must be adjudged for any one offense. The fine may not be suspended.

[ 2007, c. 120, §1 (NEW) . ]

**3. Affirmative defense.** It is an affirmative defense to prosecution for a violation of subsection 1 that the person transferred Salvia divinorum to a minor in reasonable reliance upon a fraudulent proof of age presented by the minor.

[ 2007, c. 120, §1 (NEW) . ]

#### SECTION HISTORY

2007, c. 120, §1 (NEW) .

### §2013. UNLAWFUL POSSESSION OR USE OF SALVIA DIVINORUM BY A MINOR

**1. Violation.** A minor may not:

A. Purchase, possess or use Salvia divinorum; [2007, c. 120, §1 (NEW).]

B. Violate paragraph A after having previously violated this subsection; or [2007, c. 120, §1 (NEW).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [2007, c. 120, §1 (NEW).]

[2007, c. 120, §1 (NEW).]

**2. Penalty.** A minor who violates subsection 1 commits a civil violation for which the following penalties apply.

A. For a violation of subsection 1, paragraph A, a fine of not less than \$100 and not more than \$300 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

B. For a violation of subsection 1, paragraph B, a fine of not less than \$200 and not more than \$500 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

C. For a violation of subsection 1, paragraph C, a fine of \$500 must be imposed and that fine may not be suspended. The judge, in addition to the fine required by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

[2007, c. 120, §1 (NEW).]

#### SECTION HISTORY

2007, c. 120, §1 (NEW).

## §2014. USE OF FALSE IDENTIFICATION BY MINORS PROHIBITED

**1. Use of false identification by minors prohibited.** A minor may not:

A. Offer false identification in an attempt to purchase Salvia divinorum; [2007, c. 120, §1 (NEW).]

B. Violate paragraph A after having previously violated this subsection; or [2007, c. 120, §1 (NEW).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [2007, c. 120, §1 (NEW).]

[2007, c. 120, §1 (NEW).]

**2. Penalty.** A minor who violates subsection 1 commits a civil violation for which the following penalties apply.

A. For a violation of subsection 1, paragraph A, a fine of not less than \$100 and not more than \$300 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

B. For a violation of subsection 1, paragraph B, a fine of not less than \$200 and not more than \$500 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

C. For a violation of subsection 1, paragraph C, a fine of \$500 must be imposed and that fine may not be suspended. The judge, in addition to the fine required by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution. [2007, c. 120, §1 (NEW).]

[ 2007, c. 120, §1 (NEW) .]

#### SECTION HISTORY

2007, c. 120, §1 (NEW).

## Chapter 71: KIDNAPPING

### **§2051.**

*(REPEALED)*

#### SECTION HISTORY

1965, c. 347, §1 (AMD). 1975, c. 499, §11 (RP).

### **§2051-A.**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 539, §12 (NEW). 1975, c. 499, §11 (RP).

### **§2052.**

*(REPEALED)*

#### SECTION HISTORY

1965, c. 347, §2 (RP).

**Chapter 73: LARCENY AND EMBEZZLEMENT****§2101.*****(REPEALED)***

## SECTION HISTORY

1971, c. 36, (AMD). 1975, c. 499, §11 (RP).

**§2102.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2103.*****(REPEALED)***

## SECTION HISTORY

1967, c. 77, (AMD). 1973, c. 641, §2 (AMD). 1975, c. 499, §11 (RP).

**§2104.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2105.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2106.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2107.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2108.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2109.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2109-A.*****(REPEALED)***

## SECTION HISTORY

1971, c. 483, (NEW). 1975, c. 499, §11 (RP).

**§2110.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2111.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2112.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §11 (RP).

**§2113.*****(REPEALED)***

## SECTION HISTORY

1967, c. 343, (NEW). 1971, c. 258, (AMD). 1975, c. 499, §11 (RP).

## Chapter 75: LASCIVIOUS COHABITATION AND LEWDNESS

### **§2151.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §11 (RP).



## Chapter 77: LIBEL AND SLANDER

### **§2201.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2202.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2203.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2204.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2205.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2206.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

### **§2207.**

***(REPEALED)***

SECTION HISTORY

1975, c. 499, §11 (RP).

## Chapter 79: LITTERING AND DUMPING

### §2251. DUMPING LITTER ON HIGHWAYS

(REPEALED)

#### SECTION HISTORY

1967, c. 83, (AMD). 1969, c. 523, (AMD). 1971, c. 405, §2 (RP).

### §2252. DEPOSITING SAWDUST IN HIGHWAY

It shall be unlawful for any owner, operator, manager or employee of any mill used in the sawing of lumber to establish, locate or use the same within such proximity to any way of the State as to allow the sawdust therefrom to blow into such highway. Whoever violates this section shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

### §2253. OUT-OF-STATE WASTE MATTER

As used in this section, "waste matter" means garbage, refuse, solid or liquid waste, ashes, rubbish, industrial and commercial waste, and all other refuse of every description, whether loose, in containers, compacted, baled, bundled or otherwise. [1969, c. 570, (NEW).]

No person, firm, corporation or other legal entity shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the State, which waste matter originated outside the State. [1969, c. 570, (NEW).]

Nothing in this section shall be construed to prohibit the transportation of waste matter into the State for use as a raw material for the production of new commodities which are not waste matter as defined, or for use to produce energy for use or sale. [1975, c. 739, §2 (AMD).]

Whoever shall violate this section shall be punished by a fine of not less than \$200 nor more than \$2,000 for each violation. Each day that such violation continues or exists shall constitute a separate offense. [1969, c. 570, (NEW).]

The Superior Court, upon complaint of the Attorney General, the municipal officers of any municipality, or any local or state health officer, shall have jurisdiction to restrain or enjoin violations of this section, and to enter decrees requiring the removal from the State of waste matter deposited in violation of this section. In any such civil proceeding, neither an allegation nor proof of unavoidable or substantial and irreparable injury shall be required to obtain a temporary restraining order or injunction, nor shall bond be required of the plaintiff; and the burden of proof shall be on the defendant to show that the waste matter involved originated within the State. [1969, c. 570, (NEW).]

The Legislature finding that waste matter of the nature hereinafter described poses no threat to the environment of this State, the provisions of this section shall not be construed to prohibit persons, firms, corporations and other legal entities now or previously depositing waste matter on property within the State owned on January 1, 1970 by them, which waste matter originates from property owned by them adjacent to the border of the State, from continuing to so deposit waste matter of the same nature as has been so deposited; except that this provision shall not apply to solid waste after December 31, 1971. [1969, c. 570, (NEW).]

#### SECTION HISTORY

1969, c. 570, (NEW). 1975, c. 739, §2 (AMD).

## Chapter 80: LITTER CONTROL

### §2261. TITLE

This chapter shall be known and may be cited as the "Maine Litter Control Act." [1971, c. 405, §1 (NEW).]

#### SECTION HISTORY

1971, c. 405, §1 (NEW).

### §2262. PURPOSES

It is declared and recognized that the proliferation and accumulation of litter discarded throughout this State endangers the free utilization and enjoyment of a clean and healthful environment by the people and constitutes a public health hazard; and recognizing that there has been a collective failure on the part of government, business and the public to accept, plan for and accomplish effective litter control, there is enacted the "Maine Litter Control Act." [1971, c. 405, §1 (NEW).]

#### SECTION HISTORY

1971, c. 405, §1 (NEW).

### §2263. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2001, c. 667, Pt. A, §33 (AMD).]

**1.** "Disposable package" or "container" means any and all packages or containers used for the purpose of containing a product sold or held out for sale for human or animal consumption.

[ 1971, c. 405, §1 (NEW) .]

**1-A. Committee.**

[ 1989, c. 878, Pt. B, §12 (RP) .]

**1-B. Department.** "Department" means the Department of Agriculture, Conservation and Forestry.

[ 1975, c. 739, §4 (NEW); 2011, c. 657, Pt. W, §5 (REV) .]

**1-C. Commercial purpose.** "Commercial purpose" means for the purpose of economic gain.

[ 1989, c. 820, §2 (NEW) .]

**1-D. Abandoned ice-fishing shack.** "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.

[ 1993, c. 144, §3 (NEW) .]

**2. Litter.** "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks,

old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

[ 1995, c. 667, Pt. A, §37 (AMD) .]

**3.** "Litter receptacle" means a container of suitable size which is clearly identified with a sign, symbol or other device as a place where the public may dispose of litter.

[ 1975, c. 739, §5 (AMD) .]

**4. Vehicle.** "Vehicle" means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons, except motorcycles, farm implements and snowmobiles.

[ 1975, c. 739, §6 (AMD) .]

**4-A. Commercial vehicle.** "Commercial vehicle" means a vehicle owned or used by a business, corporation, association, partnership, or the sole proprietorship of any entity conducting business for a commercial purpose.

[ 1989, c. 820, §3 (NEW) .]

**5.** "Person" means any person, firm, partnership, association, corporation or organization of any kind whatsoever.

[ 1971, c. 405, §1 (NEW) .]

**6.** "Public place" means any area that is used or held out for use by the public whether or not owned or operated by public or private interests.

[ 1971, c. 405, §1 (NEW) .]

**7.** "Trailer" means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

[ 1971, c. 405, §1 (NEW) .]

**8.** "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water.

[ 1971, c. 405, §1 (NEW) .]

#### SECTION HISTORY

1971, c. 405, §1 (NEW). 1973, c. 194, (AMD). 1973, c. 235, §1 (AMD). 1975, c. 739, §§3-6 (AMD). 1989, c. 820, §§2,3 (AMD). 1989, c. 878, §B12 (AMD). 1993, c. 144, §§3,4 (AMD). 1995, c. 667, §A37 (AMD). 2001, c. 667, §A33 (AMD). 2011, c. 657, Pt. W, §5 (REV).

## §2263-A. LITTERING

**1. Prohibited acts.** A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions; [2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

- (1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or
- (2) The person actually disposing of the litter.

This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water; [2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. In or on any private property, unless:

- (1) Prior consent of the owner has been given; and
- (2) The litter is not a public nuisance or in violation of any state law or local rule; [2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter"; or [2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is:

- (1) The operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire; or
- (2) The person actually disposing of the litter. [2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

In addition to any penalty under section 2264-A, violation of this subsection is a traffic infraction under Title 29-A, chapter 23, subchapter VI.

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29-A, section 2607, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

[2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**2. Commercial purpose presumed.** For the purposes of this chapter, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

[2003, c. 452, Pt. I, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

#### SECTION HISTORY

2003, c. 452, §132 (NEW). 2003, c. 452, §X2 (AFF).

## §2264. LITTERING PROHIBITED (REPEALED)

#### SECTION HISTORY

1971, c. 405, §1 (NEW). 1975, c. 739, §§7,8 (AMD). 1977, c. 93, §1 (AMD). 1981, c. 36, (AMD). 1989, c. 97, §§1,2 (AMD). 1989, c. 820, §4 (RPR). 1991, c. 733, §4 (AMD). 1991, c. 837, §A44 (AMD). 1993, c. 349, §39 (AMD). 1995, c. 65, §A51 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I33 (RP).

## §2264-A. PENALTIES

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which the following fines apply. [2011, c. 208, §4 (AMD).]

**1. Disposal of 15 pounds or less or 27 cubic feet or less of litter.** A person who disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

[ 2003, c. 452, Pt. I, §34 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; subsequent offenses.** A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

[ 2011, c. 208, §4 (AMD) .]

**2. Disposal of more than 15 pounds or more than 27 cubic feet of litter.** A person who disposes of more than 15 pounds or more than 27 cubic feet of litter commits a civil violation for which the court:

A. Shall impose a fine of not less than \$500; [2011, c. 208, §4 (NEW).]

B. Shall require the person to pay a party sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding; [2011, c. 208, §4 (NEW).]

C. Shall require the person to perform not less than 100 hours of public service relating to the removal of litter or to the restoration of an area polluted by litter disposed of in violation of this section. The court shall consult with the Commissioner of Inland Fisheries and Wildlife to determine if there is an opportunity for public service that may improve landowner and sportsman relations; [2011, c. 208, §4 (NEW).]

D. When practical, shall require the person to remove the litter dumped in violation of this subsection; [2011, c. 208, §4 (NEW).]

E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F. Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year; and [2011, c. 208, §4 (NEW).]

F. May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment may not be suspended unless the items dumped were related to the person's profession or occupation. [2011, c. 208, §4 (NEW).]

[ 2011, c. 208, §4 (AMD) .]

**2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter; subsequent offenses.** A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which the penalty provisions under subsection 2 apply except for subsection 2, paragraph A, and a fine of not less than \$2,000 must be adjudged.

[ 2011, c. 208, §4 (AMD) .]

**3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose.** A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose is subject to the penalties under Title 38, section 349.

[ 1989, c. 820, §5 (NEW) .]

#### SECTION HISTORY

1989, c. 820, §5 (NEW). 1993, c. 140, §1 (AMD). 2003, c. 452, §§134-37 (AMD). 2003, c. 452, §X2 (AFF). 2011, c. 208, §4 (AMD).

## §2264-B. PENALTY OPTIONS

In addition to the fines imposed in section 2264-A, subsections 1 and 1-A, the court may order a person adjudicated to have violated section 2264-A, subsection 1 or subsection 1-A to: [ 2011, c. 208, §5 (AMD) .]

**1. Removal of litter.** Remove the litter dumped in violation of section 2264-A;

[ 2003, c. 452, Pt. I, §39 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Cost of cleanup.** Pay the owner of the property treble the owner's cost of clean up or removal of the litter;

[ 1989, c. 820, §5 (NEW) .]

**3. Damages.** Pay the person sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;

[ 1989, c. 820, §5 (NEW) .]

**4. Public service.** Perform public service relating to the removal of litter, or to the restoration of an area polluted by litter, dumped in violation of section 2264-A; and

[ 2003, c. 452, Pt. I, §39 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. License suspension.** Surrender the person's motor vehicle operator's license, a license or permit issued to that person under Title 12, Part 13, subpart 4 or a recreational vehicle registration or certificate issued to that person under Title 12, Part 13, subpart 6 for a period not exceeding 30 days. The court may suspend an operator's license for any violation of section 2264-A, subsection 1 or subsection 1-A that involves the use of a motor vehicle.

[ 2011, c. 208, §6 (AMD) .]

#### SECTION HISTORY

1989, c. 820, §5 (NEW). 2003, c. 452, §§138,39 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 651, §21 (AMD). 2009, c. 424, §1 (AMD). 2011, c. 208, §§5, 6 (AMD).

## §2264-C. FORFEITURE

All conveyances, including aircraft, watercraft, vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 1,000 pounds or more than 100 cubic feet of litter in violation of section 2264-A are subject to forfeiture as provided in Title 15, chapter 517. [2003, c. 452, Pt. I, §40 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

### SECTION HISTORY

1989, c. 820, §5 (NEW). 2003, c. 452, §140 (AMD). 2003, c. 452, §X2 (AFF).

## §2265. LITTERING FROM VEHICLE PROHIBITED; PENALTIES

*(REPEALED)*

### SECTION HISTORY

1971, c. 405, §1 (NEW). 1975, c. 739, §§9,10 (AMD). 1977, c. 93, §2 (AMD). 1977, c. 564, §83 (AMD). 1989, c. 820, §6 (RP).

## §2266. SPILLAGE FROM VEHICLE OR TRAILER PROHIBITED

*(REPEALED)*

### SECTION HISTORY

1971, c. 405, §1 (NEW). 1973, c. 235, §§2,3 (AMD). 1975, c. 739, §11 (AMD). 1977, c. 93, §3 (AMD). 1989, c. 820, §7 (RP).

## §2267. LITTERING FROM WATERCRAFT PROHIBITED; PENALTIES

*(REPEALED)*

### SECTION HISTORY

1971, c. 405, §1 (NEW). 1975, c. 739, §§12,12-A (AMD). 1977, c. 93, §4 (AMD). 1989, c. 820, §8 (RP).

## §2267-A. SUBMERGED MOTOR VEHICLES, SNOWMOBILE AND WATERCRAFT IN WATERS OF THE STATE

The following provisions apply when a motor vehicle is submerged or partially submerged in waters of the State or when a snowmobile or watercraft is submerged in the inland waters of the State. [2009, c. 340, §26 (AMD).]

**1. Definition.** When used in this section the term "motor vehicle" means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and watercraft. The term "watercraft," when used in this section, means any type of craft placed on the inland waters of the State, whether used as a means of transportation or for other purposes.

[ 2009, c. 340, §26 (AMD) .]

**2. Notice of submerged vehicle, snowmobile or watercraft to be given to department.** The owner of any motor vehicle that becomes submerged or partially submerged in the waters of the State shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. The owner of a snowmobile or watercraft that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.



The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or watercraft in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

[ 2009, c. 340, §26 (AMD) .]

**3. Owner legally liable to remove vehicle, snowmobile or watercraft.** The owner of the vehicle is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle must be removed within 30 days of the submersion or partial submersion or within 30 days of "ice out" in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or watercraft that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or watercraft in accordance with this subsection.

[ 2009, c. 340, §26 (AMD) .]

**4. Financial responsibility.** A conviction or adjudication of any person for a violation of this section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13 applies.

[ 1995, c. 65, Pt. A, §52 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**5. Penalties.** A violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture, or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle, snowmobile or watercraft.

[ 2009, c. 340, §26 (AMD) .]

**6. Rules.** The commissioner may, in accordance with the provisions of Title 5, chapter 375, adopt any rules necessary to carry out the purposes of this chapter.

[ 2009, c. 340, §26 (AMD) .]

#### SECTION HISTORY

1981, c. 578, (NEW). 1995, c. 65, §A52 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2001, c. 536, §3 (AMD). 2009, c. 340, §26 (AMD).

## §2268. ENFORCEMENT

Every law enforcement officer in the State, including but not limited to State Police, county sheriffs and their deputies, municipal police, wardens of the Department of Inland Fisheries and Wildlife, wardens of the Department of Marine Resources, rangers of the Bureau of Forestry and liquor inspectors of the Department of Public Safety shall have authority to enforce this chapter. [1975, c. 739, §13 (RPR); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

Political subdivisions of the State may offer rewards for information which lead to the conviction of violators of this chapter. [1975, c. 739, §13 (RPR).]

#### SECTION HISTORY

1971, c. 405, §1 (NEW). 1973, c. 460, §18 (AMD). 1973, c. 513, §22 (AMD). 1973, c. 537, §20 (AMD). 1975, c. 739, §13 (RPR). 2011, c. 657, Pt. W, §7 (REV). 2013, c. 405, Pt. A, §23 (REV).

## §2269. LITTER RECEPTACLES; SELECTION AND PLACEMENT

*(REPEALED)*

### SECTION HISTORY

1971, c. 405, §1 (NEW). 1971, c. 622, §60 (AMD). 1973, c. 235, §4 (AMD). 1975, c. 739, §14 (RPR). 1985, c. 108, §7 (AMD). 1989, c. 878, §H4 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I41 (RP).

## §2269-A. LITTER RECEPTACLES; SELECTION AND PLACEMENT

**1. Procure, place and maintain litter receptacles.** A person who owns or operates an establishment or public place in which litter receptacles are required by this chapter shall procure, place and maintain receptacles at the person's own expense in accordance with this chapter.

[ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Required placement.** Litter receptacles as defined in section 2263 must be placed at all public places or establishments that serve the public, including, but not limited to: campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas, school grounds and business district sidewalks. The number of receptacles required is as follows:

A. For a campground or trailer park for transient habitation, one receptacle at each public rest room facility; [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. For a drive-in restaurant, parking lot, shopping center, grocery store parking lot or parking lot of a major industrial firm, one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces; [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. For a gasoline service station, one receptacle per gasoline pump island; [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. For a marina, boat launching area or boat moorage and fueling station, one receptacle at each location; [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

E. For a beach or bathing area, one receptacle at each public rest room facility; [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

F. For school grounds, one receptacle at each playground area and one at each school bus loading zone; and [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

G. For business district sidewalks, one receptacle per 1,000 feet of sidewalk curbing. [2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Exception; remote forest campsites.** Remote forest campsites operated by the Department of Agriculture, Conservation and Forestry pursuant to Title 12, chapter 220, subchapter 2, are not considered public places or establishments that serve the public if they are designated as "carry-in and carry-out" sites from which users are expected to remove litter and other material upon their departure.

[ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF); 2011, c. 657, Pt. W, §5 (REV) .]

**4. Penalties.** A person who operates a business of a type described in this section commits a civil violation for which a fine of \$10 for each violation may be adjudged if that person:

A. Fails to place the litter receptacles on the premises in the numbers required; or [ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. Fails to comply within 10 days of being notified by registered letter by the Department of Agriculture, Conservation and Forestry that that person is in violation. [ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF); 2011, c. 657, Pt. W, §5 (REV) .]

Each day a violation continues is a separate offense.

[ 2003, c. 452, Pt. I, §42 (NEW); 2003, c. 452, Pt. X, §2 (AFF); 2011, c. 657, Pt. W, §5 (REV) .]

#### SECTION HISTORY

2003, c. 452, §142 (NEW). 2003, c. 452, §X2 (AFF). 2011, c. 657, Pt. W, §5 (REV) .

## §2270. RESPONSIBILITY FOR MAINTENANCE OF LITTER RECEPTACLES

Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises. [1971, c. 405, §1 (NEW) .]

#### SECTION HISTORY

1971, c. 405, §1 (NEW) .

## §2271. LOCAL REGULATIONS

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on September 23, 1971. [1971, c. 622, §61 (AMD) .]

#### SECTION HISTORY

1971, c. 405, §1 (NEW). 1971, c. 622, §61 (AMD) .

## §2272. PROMISCUOUS DUMPING PROHIBITED

No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any litter receptacle. [1975, c. 739, §15 (NEW) .]

Persons violating the provisions of this section are liable for the same penalties as provided for violation of section 2264-A. [2003, c. 452, Pt. I, §43 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

#### SECTION HISTORY

1975, c. 739, §15 (NEW). 2003, c. 452, §143 (AMD). 2003, c. 452, §X2 (AFF).

### §2273. PENALTY WARNING SIGNS

Within the limits of its budget, the Department of Transportation may erect one sign within each 100 miles of state highway mileage in each county, warning motorists of the penalties for littering or asking for their cooperation in keeping the highways clean. One such sign shall be located within a reasonable distance of all state highway entry points into this State from other states or countries. If the state highway leads to or from an international border crossing point, the sign shall be bilingual. [1975, c. 739, §15 (NEW).]

#### SECTION HISTORY

1975, c. 739, §15 (NEW).

### §2274. FINES, DISTRIBUTION

All fines levied and collected for violations of this chapter shall be distributed as follows: [1975, c. 739, §15 (NEW).]

If the fine resulted from a complaint by a law officer of a state agency which receives a major share of its financial support from dedicated revenue, the fine, less court costs, shall be reimbursed to that agency; or [1975, c. 739, §15 (NEW).]

If the fine resulted from a complaint of a law officer of a state agency supported primarily by a General Fund appropriation, the fine, less court costs, shall be reimbursed to the department to be used in an anti-litter educational program and shall be in addition to other General Fund money appropriated for that purpose. [1989, c. 878, Pt. B, §13 (AMD).]

#### SECTION HISTORY

1975, c. 739, §15 (NEW). 1989, c. 878, §B13 (AMD).

### §2275. DRIVER LICENSE AND REGISTRATION PROCEDURES

The Bureau of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued. [1991, c. 837, Pt. A, §45 (AMD).]

The Bureau of Motor Vehicles shall include a summary of this chapter in the next revision and printing of the driver license information materials. [1991, c. 837, Pt. A, §45 (AMD).]

#### SECTION HISTORY

1975, c. 739, §15 (NEW). 1989, c. 878, §B14 (AMD). 1991, c. 837, §A45 (AMD).

### §2276. LOCAL REGULATIONS

Municipalities of this State may adopt more stringent ordinances, laws or regulations dealing with the subject matter of this chapter. Any less restrictive ordinances, laws or regulations now in effect dealing with the subject matter of this chapter and the minimum standards which it establishes are declared invalid and of no force and superseded by this chapter on its effective date. [1975, c. 739, §15 (NEW).]

#### SECTION HISTORY

1975, c. 739, §15 (NEW).

## Chapter 81: LOTTERIES

### **§2301. SCHEMES OF CHANCE FORBIDDEN; TICKETS AS PRIMA FACIE EVIDENCE**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §12 (RP).

### **§2302. INJUNCTIONS**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 740, §8 (RP).

### **§2303. PAYMENTS AND SECURITIES FOR LOTTERIES VOID AND RECOVERABLE**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 740, §8 (RP).

### **§2304. CONDUCT OF CONTESTS AND GAMES BY RETAILERS**

*(REPEALED)*

#### SECTION HISTORY

1969, c. 416, §2 (NEW). 1991, c. 22, (RP).

### **§2305. MULTI-LEVEL DISTRIBUTORSHIPS, PYRAMID CLUBS, ETC., DECLARED A LOTTERY; PROHIBITED; PENALTIES**

The organization of any multi-level distributorship arrangement, pyramid club or other group, organized or brought together under any plan or device whereby fees or dues or anything of material value to be paid or given by members thereof are to be paid or given to any other member thereof who has been required to pay or give anything of material value for the right to receive such sums, with the exception of payments based exclusively on sales of goods or services to persons who are not participants in the plan and who are not purchasing in order to participate in the plan, which plan or device includes any provision for the increase in such membership through a chain process of new members securing other new members and thereby advancing themselves in the group to a position where such members in turn receive fees, dues or things of material value from other members, is declared to be a lottery, and whoever shall organize or participate in any such lottery by organizing or inducing membership in any such group or organization shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both. [1971, c. 312, (NEW).]

A violation of this section shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act. [1971, c. 312, (NEW).]

#### SECTION HISTORY

1971, c. 312, (NEW).

**§2306. EXEMPTIONS; LOTTERIES**

Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 62 or authorized to conduct a raffle without a license as provided in section 1837, is exempt from the application of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling that are permitted within the scope of the license or licenses issued, and all persons are exempt from this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 62 or a raffle conducted without a license as authorized by section 1837. [2009, c. 487, Pt. B, §9 (AMD).]

**SECTION HISTORY**

1973, c. 735, §6 (NEW). 1975, c. 424, §6 (AMD). 1989, c. 502, §A46 (AMD). 2009, c. 487, Pt. B, §9 (AMD).

**Chapter 82: MACHINE GUNS****§2321.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).

**§2322.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).

**§2323.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).

**§2324.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).

**§2325.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).

**§2326.***(REPEALED)*

## SECTION HISTORY

1969, c. 347, §1 (NEW). 1975, c. 499, §13 (RP).



## Chapter 83: MALICIOUS MISCHIEFS

### Subchapter 1: PUBLIC UTILITIES

#### **§2351. INJURY TO PUBLIC AND UTILITY PROPERTIES GENERALLY**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §14 (RP).

#### **§2352. TAPPING OR INTERFERING WITH WATER PIPES**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §14 (RP).

#### **§2353. INJURY OR INTERFERENCE WITH GAS, ELECTRIC OR WATER EQUIPMENT**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §14 (RP).

#### **§2354. INJURY OR INTERFERENCE WITH TELEGRAPH OR TELEPHONE LINES**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §14 (RP).

#### **§2355. PLACING OBJECTS ON UTILITY POLES**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §14 (RP).

### Subchapter 2: RAILROADS

#### **§2401. TAMPERING WITH RAILROAD CAR**

Whoever willfully, mischievously or maliciously breaks the seal upon any freight car, or breaks and enters any railroad car, locomotive or work equipment on any railroad in the State, or destroys, injures, defiles or defaces any railroad car, locomotive or work equipment on any railroad in the State, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad car, locomotive or work equipment on the track or sidetrack of any railroad in the State, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years, and shall be liable to the corporation injured in a civil action for the amount of injury so done.

**§2402. REMOVAL OF PACKING OR BEARINGS FROM JOURNAL BOXES**

Whoever willfully and maliciously takes or removes or attempts to take or remove the lubricating pads, the waste or packing, the friction bearing or the wedge from a journal box or boxes of a locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon a railroad, whether operated by diesel or by steam engine or by electricity, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 years, or by both. [1971, c. 187, (AMD).]

## SECTION HISTORY

1971, c. 187, (AMD).

**§2403. INJURY OR DESTRUCTION TO BAGGAGE; JURISDICTION**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**Subchapter 3: SIGNS, MARKS AND MONUMENTS****§2441. REMOVAL OR DESTRUCTION OF TRANSIT POINTS OR OTHER MARKINGS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2442. INJURIES TO MONUMENTS, LANDMARKS, GUIDEPOSTS AND LIGHTS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**Subchapter 4: MISCELLANEOUS****§2491. INJURY TO BUILDINGS, FIXTURES, GOODS OR VALUABLE PAPERS; CIVIL ACTION FOR DAMAGES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2492. INJURY TO BOOKS, PICTURES AND STATUES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2493. INJURING OR TAMPERING WITH VEHICLES OR AIRCRAFT**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

### **§2493-A. INJURING OR TAMPERING WITH WATERCRAFT** **(REPEALED)**

#### SECTION HISTORY

1969, c. 558, §1 (NEW). 1975, c. 499, §14 (RP).

### **§2494. THROWING AT TRANSPORTATION VEHICLES** **(REPEALED)**

#### SECTION HISTORY

1975, c. 220, (AMD). 1975, c. 499, §14 (RP).

### **§2495. TAKING SADDLED OR HARNESSED HORSE** **(REPEALED)**

#### SECTION HISTORY

1975, c. 499, §14 (RP).

### **§2496. DRIVING NAILS OR SPIKES INTO CERTAIN LOGS; CIVIL ACTION FOR DAMAGES** **(REPEALED)**

#### SECTION HISTORY

1975, c. 499, §14 (RP).

### **§2497. MOORING WATERCRAFT TO BUOYS OR BEACONS; DESTRUCTION OF SAME**

**1. Mooring to buoy or beacon prohibited.** A person may not moor or make fast a vessel, boat, scow or raft to a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

[ 2003, c. 452, Pt. I, §44 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Destruction of buoy or beacon.** A person may not intentionally or knowingly destroy a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a Class E crime.

[ 2003, c. 452, Pt. I, §44 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §X2 (AFF). 2003, c. 452, §I44 (RPR).

### **§2498. TAKING OF WATERCRAFT, AIRCRAFT OR DRAFT ANIMALS; LIMITATION** **(REPEALED)**

#### SECTION HISTORY

1975, c. 499, §14 (RP).

**§2499. INJURING OR CUTTING LOOSE BOOMS, RAFTS, VESSELS OR BOATS; CIVIL ACTION FOR DAMAGES**

Whoever willfully or maliciously, without consent of the owner, cuts away, lets loose, injures or destroys any boom, raft or logs or other lumber, or any vessel, gondola, scow or other boat fastened to any place, of which he is not the owner or legal possessor, shall be punished by a fine of not more than \$500 and by imprisonment for less than one year; and shall be liable to the person injured in a civil action for double the damages by him sustained.

**§2500. DAMAGE TO ICE**

*(REPEALED)*

## SECTION HISTORY

1975, c. 536, §1 (RP).

**§2501. DAMAGES TO FRUIT GARDENS; ARREST OF OFFENDERS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2502. INJURING OR DESTROYING RHODODENDRON AND KALMIA**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2503. DAMAGE TO TREES, FENCES, GATES, SIGNS OR PRODUCE**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2504. WEARING SPIKED BOOTS AND SHOES IN PUBLIC PLACES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2505. DESTROYING NOTICES REGARDING SPIKED SHOES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §14 (RP).

**§2506. ADVERTISING ON FENCES AND ROCKS**

Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or to rocks or other natural objects, without the consent of the owner in writing, shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than \$5 nor more than \$20.

**§2507. DESTRUCTION OF VENDING MACHINES****(REPEALED)**

## SECTION HISTORY

1971, c. 445, (NEW). 1975, c. 499, §14 (RP).

**§2508. USURPATION OF COMMUNITY ANTENNAE TELEVISION SYSTEM SIGNALS AND INJURY TO ITS EQUIPMENT****(REPEALED)**

## SECTION HISTORY

1973, c. 383, (NEW). 1975, c. 499, §14 (RP).

**§2509. TAMPERING WITH PASSENGER TRAMWAY**

Whoever willfully breaks, injures or tampers with or removes part or parts of any tramway as defined in Title 32, section 15202, must be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [1995, c. 560, Pt. H, §6 (AMD); 1995, c. 560, Pt. H, §17 (AFF).]

## SECTION HISTORY

1975, c. 141, (NEW). 1979, c. 127, §121 (AMD). 1995, c. 560, §H6 (AMD). 1995, c. 560, §H17 (AFF).

**§2510. UNLAWFUL CUTTING OF TREES**

**1. Unlawful cutting.** Any person who in fact cuts down or fells any tree without the consent of the owner of the property on which the tree stands commits a civil violation for which the forfeitures provided in this section may be adjudged. Proof of a culpable state of mind is not required. The cutting down or felling of any tree by the following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [1981, c. 355, (NEW).]

B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and [1997, c. 152, §1 (AMD).]

C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or performing volunteer work for the municipality removing street trees or blown down trees or in emergencies. [1997, c. 152, §1 (AMD).]

D. [1997, c. 152, §1 (RP).]

[ 1997, c. 152, §1 (AMD) .]

**2. Forfeitures.** The following forfeitures may be adjudged for each tree over 2 inches in diameter that has been cut or felled:

A. If the tree is no more than 6 inches in diameter, a forfeiture of \$25; [1981, c. 355, (NEW).]

B. If the tree is over 6 inches and up to 10 inches in diameter, a forfeiture of \$50; [1997, c. 152, §2 (AMD).]

C. If the tree is over 10 inches and up to 14 inches in diameter, a forfeiture of \$75; [1997, c. 152, §2 (AMD).]

D. If the tree is over 14 inches and up to 18 inches in diameter, a forfeiture of \$100; [1997, c. 152, §2 (AMD).]

E. If the tree is over 18 inches and up to 22 inches in diameter, a forfeiture of \$125; and [1997, c. 152, §2 (AMD).]

F. If the tree is greater than 22 inches in diameter, a forfeiture of \$150. [1981, c. 355, (NEW).]

[1997, c. 152, §2 (AMD).]

**3. Diameter.** For the purposes of determining the forfeiture, the diameter of a tree shall be the diameter of the tree stump remaining or the diameter of the tree at 4 1/2 feet from the ground if the remaining stump is higher than that distance.

[1981, c. 355, (NEW).]

**4. Restitution.** The court shall inquire of the prosecutor or the owner of the property on which the tree was cut down or felled the extent of the owner's financial loss. With the owner's consent, the court shall order restitution when appropriate on the basis of an adequate factual foundation. The order of restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid. Restitution ordered under this subsection is in addition to any forfeitures adjudged under subsection 2; except that at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged under subsection 2 and apply it to restitution to the property owner under this section.

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.

[2003, c. 540, §1 (AMD).]

**5. Liability for conduct of another.** A person commits the civil violation in subsection 1 even if the person did not personally cut down or fell the tree if the person is legally accountable for the conduct of another person who violates subsection 1. A person is legally accountable for the conduct of another person if:

A. The person causes another person to violate subsection 1; or [1997, c. 152, §3 (NEW).]

B. The person solicits another person to commit the civil violation or aids, agrees to aid or attempts to aid another person in planning or committing the civil violation. [1997, c. 152, §3 (NEW).]

[1997, c. 152, §3 (NEW).]

#### SECTION HISTORY

1981, c. 355, (NEW). 1987, c. 10, (AMD). 1987, c. 141, §B14 (AMD). 1995, c. 450, §5 (AMD). 1997, c. 152, §§1-3 (AMD). 2003, c. 540, §1 (AMD).

## §2511. HARVESTING TIMBER NEAR PROPERTY LINE

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Established property line" means a line demarcated by monuments, signs, markings, pins, reference points or other markers that denotes a change in ownership between abutting properties. These established property line markers must have been placed upon mutual agreement of the abutting landowners, based on historical physical evidence of a preexisting boundary line, or by a licensed professional surveyor pursuant to Title 32, chapter 141. [2013, c. 180, §2 (AMD); 2013, c. 180, §6 (AFF).]

B. "Harvester" means a person, firm, company, corporation or other legal entity that harvests or contracts to harvest a forest product. [2003, c. 550, §1 (NEW).]

C. "Landowner representative" means a person, firm, company, corporation or other legal entity representing the landowner in timber sales or land management. [2003, c. 550, §1 (NEW).]

D. "Line tree" means a tree whose main stem or trunk straddles an established property line and that is blazed or painted to indicate the location of the established property line. [2003, c. 550, §1 (NEW).]

E. "Timber harvesting" means the cutting or removal of timber for the primary purpose of selling or processing forest products. [2003, c. 550, §1 (NEW).]

[2013, c. 180, §2 (AMD); 2013, c. 180, §6 (AFF).]

**2. Prohibitions.** The following acts are prohibited.

A. A landowner or landowner representative who authorizes timber harvesting or a harvester who in fact harvests timber shall clearly mark with flagging or other temporary and visible means any established property lines that are within 200 feet of the area to be harvested. The marking of property lines must be completed prior to commencing timber harvesting. A person who fails to mark property lines in accordance with this paragraph commits a civil violation for which a fine of not less than \$250 nor more than \$1,000 may be adjudged. [2003, c. 550, §1 (NEW).]

B. A landowner, landowner representative or harvester who authorizes the timber harvesting or in fact harvests a line tree without first obtaining permission from the abutting landowner commits a civil violation for which a fine of not less than \$250 nor more than \$1,000 may be adjudged. [2003, c. 550, §1 (NEW).]

[2003, c. 550, §1 (NEW).]

**3. Exemptions.** The following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [2003, c. 550, §1 (NEW).]

B. Public utilities engaged in maintaining adequate facilities in compliance with Title 35-A, section 301; [2003, c. 550, §1 (NEW).]

C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or performing volunteer work for the municipality by removing trees obstructing a public way or fallen trees or in emergencies; and [2003, c. 550, §1 (NEW).]

D. Timber harvesting performed on a parcel of land that is 5 acres or less. [2003, c. 550, §1 (NEW).]

[2003, c. 550, §1 (NEW).]

**SECTION HISTORY**

2003, c. 550, §1 (NEW). 2013, c. 180, §2 (AMD). 2013, c. 180, §6 (AFF).

**§2512. FAILURE TO PAY FOR TREES HARVESTED**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops. [2005, c. 546, §1 (NEW).]

B. "Handling or processing facility" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; custom wood processing mills; and log yards established to accumulate logs awaiting shipment to these facilities. [2005, c. 546, §1 (NEW).]

C. "Harvest operation" means the harvest of forest products on land in a single municipality or township. Land harvested need not be contiguous, and more than one harvester may work a harvest operation. [2005, c. 546, §1 (NEW).]

[2005, c. 546, §1 (NEW).]

**2. Payment required within 45 days.** Absent a written contract that indicates different payment terms between the landowner and the person conducting a harvest operation, the person conducting the harvest operation shall provide to the landowner full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery to the handling or processing facility. In accordance with Title 10, section 2364-A, subsection 2, paragraph G, the person conducting the harvest operation shall provide to the landowner a copy of the measurement tally sheet or stumpage sheet for each truckload of forest products transported to a handling or processing facility when the person conducting the harvest operation pays the landowner.

[2005, c. 546, §1 (NEW).]

**3. Penalties.** The following penalties apply.

A. A person who violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [2005, c. 546, §1 (NEW).]

B. A person who violates subsection 2 after having been adjudicated as having violated subsection 2 within the previous 5 years commits a civil violation for which a fine of not more than \$2,000 may be adjudged. [2005, c. 546, §1 (NEW).]

C. A person who violates subsection 2 after having been adjudicated as having committed 2 or more civil violations under subsection 2 within the previous 5 years commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2005, c. 546, §1 (NEW).]

D. In addition to any other penalties imposed in this subsection, the court may order a person adjudicated as having violated this section to provide upon request to any forest ranger of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry copies of measurement tally sheets for subsequent harvest operations being conducted by the violator for a period not to exceed one year. [2005, c. 546, §1 (NEW); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

[2005, c. 546, §1 (NEW); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

**4. Restitution.** In addition to any penalties imposed pursuant to subsection 3 and, when appropriate, in accordance with the requirements of Title 17-A, chapter 54, the court shall order restitution to the landowner on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood.



Any restitution ordered and paid must be deducted from the amount of any restitution awarded in a civil action brought by the owner or the State against the offender based on the same facts.

[ 2005, c. 546, §1 (NEW) . ]

**5. Exemptions.** The following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [ 2005, c. 546, §1 (NEW) . ]

B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and [ 2005, c. 546, §1 (NEW) . ]

C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or performing volunteer work for the municipality removing street trees or fallen trees or in emergencies. [ 2005, c. 546, §1 (NEW) . ]

[ 2005, c. 546, §1 (NEW) . ]

#### SECTION HISTORY

2005, c. 546, §1 (NEW). 2011, c. 657, Pt. W, §§5, 7 (REV). 2013, c. 405, Pt. A, §23 (REV).

## Chapter 85: MANSLAUGHTER

### **§2551.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### **§2551-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §13 (NEW). 1975, c. 499, §15 (RP).

### **§2552.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

## Chapter 87: MAYHEM

### **§2601.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### **§2601-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §14 (NEW). 1975, c. 499, §15 (RP).

### **§2602.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §15 (RPR). 1975, c. 499, §15 (RP).

**Chapter 89: MURDER****§2651.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§2652.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§2653.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§2654.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§2655.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§2656.***(REPEALED)*

SECTION HISTORY

1971, c. 539, §16 (RPR). 1975, c. 499, §15 (RP).

**§2657.***(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

## Chapter 91: NUISANCES

### Subchapter 1: GENERAL PROVISIONS

#### §2701. ACTION FOR DAMAGES CAUSED BY NUISANCE

Any person injured in his comfort, property or the enjoyment of his estate by a common and public or a private nuisance may maintain against the offender a civil action for his damages, unless otherwise specially provided.

#### §2701-A. ACTION AGAINST INSECT INFESTATION

*(REPEALED)*

##### SECTION HISTORY

1977, c. 645, (NEW). 1981, c. 571, §§1,2 (AMD). 1987, c. 479, (RPR).  
1993, c. 124, §1 (RP).

#### §2701-B. ACTION AGAINST IMPROPER MANURE HANDLING

The Commissioner of Agriculture, Conservation and Forestry shall investigate complaints of improper manure handling, including, but not limited to, complaints of improper storage or spreading of manure. If the commissioner is able to identify the source or sources of the manure and has reason to believe that the manure is a nuisance and the nuisance is caused by the use of other than best management practices for manure handling, the commissioner shall: [1993, c. 124, §2 (AMD); 2011, c. 657, Pt. W, §6 (REV).]

**1. Findings.** Determine the changes needed in manure handling to comply with best management practices for manure handling;

[ 1993, c. 124, §2 (AMD) . ]

**2. Conformance.** Require the person responsible to abide by the necessary changes determined in subsection 1 and determine if the changes have been made; and

[ 1993, c. 124, §2 (AMD) . ]

**3. Report.** Give the written findings of the initial investigation and any determination of compliance to the complainant and the person responsible.

[ 1993, c. 124, §2 (AMD) . ]

If the person responsible does not adopt best management practices for manure handling, the commissioner shall send a copy of the written report to the Department of Environmental Protection and refer the matter in writing to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under this chapter. If the commissioner, upon investigation, finds that the person responsible for the manure is following best management practices for manure handling, the commissioner shall advise the complainant and the person responsible in writing. [1993, c. 124, §2 (AMD).]

Failure to apply best management practices in accordance with this section constitutes a separate civil violation for which a fine of up to \$1,000, together with an additional fine of up to \$250 per day for every day that the violation continues, may be adjudged. [2003, c. 283, §5 (NEW).]

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act for the interpretation and implementation of this section, including a definition of "best management practices for manure handling." [1993, c. 124, §2 (AMD).]

If the commissioner finds that improper manure handling may have affected water quality and the person responsible does not adopt best management practices for manure handling, the commissioner shall advise the Commissioner of Environmental Protection that a potential water quality violation exists and the Commissioner of Environmental Protection may respond as appropriate. [1993, c. 124, §2 (AMD).]

#### SECTION HISTORY

1989, c. 836, §2 (NEW). 1991, c. 548, §§A6,7 (AMD). 1993, c. 124, §2 (AMD). 2003, c. 283, §5 (AMD). 2011, c. 657, Pt. W, §6 (REV).

### §2702. ABATEMENT OF NUISANCE

When on indictment, complaint or action any person is adjudged guilty of a nuisance, the court, in addition to the fine imposed, if any, or to the judgment for damages and costs for which a separate execution shall issue, may order the nuisance abated or removed at the expense of the defendant. After inquiring into and estimating, as nearly as may be, the sum necessary to defray the expense thereof, the court may issue a warrant therefor substantially in the form following

#### "STATE OF MAINE

....., ss. To the sheriff of our county of ....., or either of his deputies, Greetings.

Whereas, by the consideration of our honorable ..... Court, at a term begun and held at ....., within and for said county, upon indictment," (or "complaint," or "action in favor of A. B.," as the case may be,) "C. D., of ....., &c., was adjudged guilty of erecting," ["causing," or "continuing,"] "a certain nuisance, being a building in ....., in said county," (or "fence," or other thing, describing particularly the nuisance and the place,) "which nuisance was ordered by said court to be abated and removed: We therefore command you forthwith to cause said nuisance to be abated and removed; also that you levy of the materials by you so removed, and of the goods, chattels and lands of said C. D., a sum sufficient to defray the expense of removing and abating the same, not to exceed ..... dollars," (the sum estimated by the court,) "together with your lawful fees, and thirty-three cents more for this writ. And, for want of such goods and estate to satisfy said sums, we command you to take the body of said C. D., and him commit unto our jail in ..... in said county, and there detain until he pays such sums or is legally discharged. And make return of this warrant, with your doings thereon, within thirty days. Witness, A. B., Esq., at ....., this ..... day of ....., in the year of our Lord 19....

J. S., Clerk."

### §2703. STAY ON SECURITY TO DISCONTINUE

Instead of issuing the warrant required by section 2702, the court may order it to be stayed on motion of the defendant, and on his entering into recognizance in such sum and with such surety as the court directs, in case of an indictment, to the State, or in case of a complaint or action, to the plaintiff, conditioned that the defendant will either discontinue said nuisance, or that within a time limited by the court and not exceeding 6 months, he will cause it to be abated and removed, as may be directed by the court. On failing to perform such condition, the recognizance shall be deemed forfeited, and the court on being satisfied of such default, may forthwith issue the warrant and entertain an action to enforce the recognizance.

### §2704. EXPENSES OF ABATEMENT DEFRAID; POOR DEBTOR'S OATH

The expense of abating a nuisance by virtue of a warrant shall be collected by the officer as damages and costs are collected on execution; except that the materials of buildings, fences or other things removed as a nuisance may be first levied upon and sold by the officer, and the proceeds, if any remain after paying

the expense of removal, shall be paid by him, on demand, to the defendant or the owner of such property. If said proceeds are not sufficient to satisfy the expenses, the officer shall collect the residue as aforesaid. A person committed to jail on such warrant may avail himself of the poor debtor's oath, as if he had been committed on execution. If said expense cannot be collected of the defendant, it shall be paid as costs in criminal prosecutions.

## **§2705. JURISDICTION BY INJUNCTION**

Any court of record before which an indictment, complaint or action for a nuisance is pending may, in any county, issue an injunction to stay or prevent such nuisance, and make such orders and decrees for enforcing or dissolving it as justice and equity require.

## **§2706. PENALTY AND ABATEMENT OF NUISANCE**

Whoever erects, causes or continues a public or common nuisance, as herein described or at common law, where no other punishment is specially provided, shall be punished by a fine of not more than \$100. The court with or without such fine may order such nuisance to be discontinued or abated, and issue a warrant therefor as provided.

### **Subchapter 2: COMMON NUISANCES**

## **§2741. COMMON NUISANCES; JURISDICTION TO ABATE**

**1. Common nuisances.** The following are common nuisances.

A. All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs or resorted to for lewdness or gambling; [2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. All houses, shops or places where intoxicating liquors are sold for tippling purposes; and [2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. All places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law. [2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**2. Superior Court jurisdiction.** The Superior Court has jurisdiction, upon information filed by the Attorney General or the district attorney or upon complaint filed by not fewer than 7 legal voters of that county setting forth any of the facts contained in this section, to restrain, enjoin or abate a common nuisance as set out in subsection 1 and an injunction for those purposes may be issued by the court. A dismissal of an information or complaint does not prevent action upon any information or complaint subsequently filed covering the same subject matter.

[2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**3. Injunction or order.** The injunction or order to restrain, enjoin or abate the common nuisance forever runs against the building or other place or structure, except that, upon motion of an owner filed not sooner than 6 months from the date of the injunction or order, the Superior Court may remove or modify the injunction or order upon a showing by the owner, by a preponderance of evidence, that the nuisance has abated.

[2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

**4. Trafficking or furnishing scheduled drugs.** For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked in or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by Title 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance.

[ 2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Keeping, allowing or maintaining common nuisance.** A person who keeps, allows or maintains a building, place or structure declared by the Superior Court to be a common nuisance upon the filing of information commits a Class E crime.

[ 2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Default in payment of fine.** A person who defaults in payment of a fine imposed under this section commits a separate Class E crime.

[ 2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**7. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. I, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1981, c. 279, §9 (AMD). 1993, c. 98, §1 (AMD). 1995, c. 66, §2 (AMD).  
2003, c. 452, §X2 (AFF). 2003, c. 452, §I45 (RPR).

## §2742. -- PENALTIES

*(REPEALED)*

#### SECTION HISTORY

1991, c. 797, §4 (AMD). 1995, c. 66, §3 (AMD). 2003, c. 452, §X2 (AFF).  
2003, c. 452, §I46 (RP).

## §2743. LEASE VOID; REMEDY OF OWNER

If any tenant or occupant, under any lawful title, of any building or tenement not owned by the tenant or occupant uses the building or tenement or any part of the building or tenement for any purpose named in section 2741, the tenant or occupant forfeits all rights to the building or tenement, and the owner of the building or tenement upon the commencement of an action under Title 14, chapter 709 may seek any remedy provided by chapter 709 or upon a declaration of a common nuisance by the Superior Court upon the filing of information by the Attorney General, the district attorney or a prosecuting attorney assigned pursuant to Title 25, section 2955 may make immediate entry and take possession without further process of law or as otherwise ordered by the Superior Court. [1995, c. 66, §4 (AMD) .]

#### SECTION HISTORY

1995, c. 66, §4 (AMD).

## §2744. LIABILITY OF BUILDING OWNER

*(REPEALED)*

#### SECTION HISTORY

1991, c. 797, §4 (AMD). 1995, c. 66, §5 (RP).



### Subchapter 3: PARTICULAR NUISANCES

#### **§2791. BLASTING; NOTICE**

Persons engaged in blasting lime rock or other rocks shall before each explosion give reasonable notice thereof, so that all persons or teams approaching shall have time to retire to a safe distance from the place of said explosion. No such explosion shall be made after sunset.

Whoever violates any provision of this section forfeits to the prosecutor \$5 for each offense, to be recovered in a civil action, and is liable for all damages caused by any explosion. If the persons engaged in blasting rocks are unable to pay or, after judgment and execution, avoid payment of the fine, damages and costs by the poor debtor's oath, the owners of the quarry, in whose employment they were, are liable for the same.

#### **§2792. BURNING OF BRICKS**

*(REPEALED)*

##### SECTION HISTORY

1997, c. 623, §3 (RP).

#### **§2793. CERTAIN LIGHTS PROHIBITED ALONG HIGHWAYS**

No person shall place or maintain upon or in view of any highway any light so that its beams or rays are directed at any portion of a public street or highway when the light is of such brilliance and so positioned as to blind, dazzle or otherwise impair the vision of the driver of any motor vehicle upon said street or highway; or any rotating or flashing light or signal which imitates or simulates the flashing or rotating lights used on school buses, police, fire or highway vehicles, except safety signaling devices required by law. Whoever violates this section shall be punished by a fine of not more than \$100.

#### **§2794. DUMPING OF OIL**

Oil, and a petroleum base, or materials containing significant quantities of such oil shall not be intentionally placed or deposited directly into or on banks of any river or stream, permanent or temporary, lake, pond or tidal waters or on the ice thereof where such material may fall or otherwise find its way into said watercourse or tidal waters, or shall such material be intentionally placed or deposited directly in pits, wells or on ground surfaces in such a manner that oil will percolate, seep or otherwise find access into ground waters or into wells used for the production of water.

#### **§2795. LICENSE FOR USE OF CERTAIN ENGINES**

No stationary, internal combustion or steam engine shall be erected in a town until the municipal officers have granted license therefor, designating the place where the buildings therefor shall be erected, the materials and mode of construction, the size of the boiler and furnace, and such provision as to height of chimney or flues, and protection against fire and explosion, as they judge proper for the safety of the neighborhood. Such license shall be granted on written application, recorded in the town records and a certified copy of it furnished, without charge, to the applicant.

When application is made for such license, said officers shall assign a time and place for its consideration, and give at least 14 days' public notice thereof, in such manner as they think proper, at the expense of the applicant. Any person aggrieved by the decision of the selectmen of towns in granting or refusing such license may appeal therefrom within 30 days to the Superior Court held in said county, which court may appoint a committee of 3 disinterested persons, as is provided in relation to appeals from location of highways. Said committee shall be sworn and give 14 days' notice of the time and place of their hearing to the parties interested, view the premises, hear the parties, and affirm, reverse or annul the decision of said selectmen, and their decision shall be final. Pending such appeal from granting such license, the Superior Court may enjoin the erection of such building and engine.

Any such engine erected without a license shall be deemed a common nuisance without other proof than its use.

Said officers shall have the same authority to abate and remove an engine, erected without license, as is given to the local health officer in Title 22, chapter 153.

## **§2796. MANUFACTURE OF POWDER**

If any person manufactures gunpowder, or mixes or grinds the composition therefor, in any building within 80 rods of any valuable building not owned by such person or his lessor, which was erected when such business was commenced, the former building shall be deemed a public nuisance; and such person may be prosecuted accordingly.

## **§2797. MILLS AND DAMS; FENCES AND BUILDINGS ON PUBLIC WAYS**

The erection and maintenance of watermills and dams to raise water for working them upon or across streams not navigable as provided in Title 38, chapter 5, shall not be deemed a nuisance, unless they become offensive to the neighborhood, or injurious to the public health, or unless they occasion injuries or annoyances of a kind not authorized by said chapter. Fences and buildings fronting on public ways, commons or lands appropriated to public use shall not be deemed nuisances when erected for the times and in the manner provided in Title 23, section 2952, unless the owner of the same shall be estopped as therein provided from justifying his occupation within the limits of said way.

## **§2798. MUFFLERS REQUIRED ON MOTORBOATS**

*(REPEALED)*

### **SECTION HISTORY**

1969, c. 123, §1 (RP).

## **§2799. POSSESSION OF POISONOUS SNAKES**

The possession of poisonous snakes shall be a public nuisance, except where poisonous snakes shall be continuously confined in such type of enclosure as may be determined to be escape proof.

## **§2800. REMOVAL OF BUSHES, TREES AND STUMPS FROM FLOWED AREA**

Whoever hereafter erects a dam on any of the public waters of this State shall, within 3 years after a head of water is held and flowage created thereby, remove from the flowed area all trees, bushes and stumps that he can legally remove therefrom, to such an extent that the tops of all trees, bushes and stumps left thereon shall be at least 5 feet below the surface of the mean low-water level maintained during the period beginning June 1st and ending December 1st next following of each year and shall within said 3-year period remove such growth as he can legally remove from the edge of the flowed area to such an extent that no dry-ki and debris shall form to be carried away by the water. For the purpose of protecting the right of the public in the navigation of the waters over said flowed area the owner of such dam shall, after the creation of flowage thereby, have the right to cut and remove from the flowed area all trees, bushes and stumps remaining thereon, and the damage to the owner thereof caused by such removal shall be ascertained in the same manner as is provided for the ascertainment of the damages caused by the flowage.

Any dam erected hereafter which is maintained in violation of this section shall constitute a public nuisance, and be subject to section 2706.

This section shall not apply to dams which are created solely for log driving purposes where the water is stored for not exceeding 3 months of each year, nor shall the same be interpreted in any instance to require the removal of stumps below the swell of the roots.

## **§2801. SPITE FENCES**

Any fence or other structure in the nature of a fence, unnecessarily exceeding 6 feet in height, maliciously kept and maintained for the purpose of annoying the owners or occupants of adjoining property, shall be deemed a private nuisance.

## **§2802. MISCELLANEOUS NUISANCES**

The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture that, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; imprudent operation of a watercraft as defined in Title 12, section 13068-A, subsection 8; unlawfully diverting the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn-out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances. [2005, c. 397, Pt. A, §11 (AMD).]

### **SECTION HISTORY**

1965, c. 78, §1 (AMD). 1971, c. 274, (AMD). 1979, c. 472, §3 (AMD). 1995, c. 65, §A53 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 540, §4 (AMD). 1997, c. 683, §A7 (AMD). RR 2003, c. 2, §24 (COR). 2005, c. 397, §A11 (AMD).

## **§2803. -- ASSIGNMENT OF PLACE FOR**

The municipal officers of a town, when they judge it necessary, may assign places therein for the exercise of any trades, employments or manufactures described in section 2802, and may forbid their exercise in other places, under penalty of being deemed public or common nuisances and the liability to be dealt with as such. All such assignments shall be entered in the records of the town and may be revoked when said officers judge proper.

## **§2804. -- COMPLAINTS ABOUT**

When a place or building so assigned becomes a nuisance, offensive to the neighborhood or injurious to the public health, any person may complain thereof to the Superior Court and if, after notice to the party complained of, the truth of the complaint is admitted by default or made to appear to a jury on trial, the court may revoke such assignment and prohibit the further use of such place or building for such purposes, under a penalty of not more than \$100 for each month's continuance after such prohibition, to the use of said town; and may order it to be abated and issue a warrant therefor, or stay it as provided; but if the jury acquit the defendant, he shall recover costs of the complainant.

## **§2805. FARM, FARM OPERATION OR AGRICULTURAL COMPOSTING OPERATION NOT NUISANCE; USE OF BEST MANAGEMENT PRACTICES (REPEALED)**

### **SECTION HISTORY**

1981, c. 472, (NEW). 1991, c. 395, §§1-3 (AMD). 1993, c. 87, §1 (AMD). 1993, c. 124, §§3,4 (AMD). 1997, c. 642, §§4,5 (AMD). 1999, c. 723, §2 (AMD). 2003, c. 283, §6 (AMD). 2005, c. 638, §1 (AMD). 2007, c. 649, §7 (RP).

## §2806. SPORT SHOOTING RANGES

**1. Acquisition of property near existing range.** Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within 3 years from the beginning of the substantial change.

[ 1995, c. 231, §1 (NEW) .]

**2. Establishment of shooting range near existing property.** A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within 5 years after establishment of the range or 3 years after a substantial change in use of the range.

[ 1995, c. 231, §1 (NEW) .]

**3. Dormant shooting range.** If there has been no shooting activity at a range for a period of 3 years, resumption of shooting is considered establishment of a new shooting range for purposes of this section.

[ 1995, c. 231, §1 (NEW) .]

**4. Application.** This section does not limit nuisance actions against shooting ranges established after the effective date of this section.

[ 1995, c. 231, §1 (NEW) .]

### SECTION HISTORY

1995, c. 231, §1 (NEW).

## §2807. COMMERCIAL FISHING ACTIVITIES AND COMMERCIAL FISHING OPERATIONS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial fishing activity" means an activity directly related to commercial fishing or a commercial activity commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait, traps or nets or the manufacture, installation or repair of boats, engines or other equipment commonly used on boats or in facilities that involve the catching, transporting, buying, selling or processing of seafood for commercial purposes. [ 2001, c. 99, §1 (NEW) .]

B. "Commercial fishing operation" means a condition or activity that occurs in connection with the commercial harvesting, purchasing, selling or processing of seafood and includes noise, odors, operation of a vessel, operation of harvesting or processing equipment and transfer or storage of bait. [ 2001, c. 99, §1 (NEW) .]

[ 2001, c. 99, §1 (NEW) .]

**2. Private nuisance actions limited.** A private nuisance action may not be maintained against a person engaged in a commercial fishing activity or commercial fishing operation so long as the activity or operation is undertaken in compliance with applicable licensing and permitting requirements and other applicable statutes, rules and ordinances.

[ 2001, c. 99, §1 (NEW) .]

**3. Finfish aquaculture exemption.** For purposes of this section, activities and conditions associated with licensed finfish aquaculture are not commercial fishing activities or commercial fishing operations.

[ 2001, c. 99, §1 (NEW) .]

#### SECTION HISTORY

2001, c. 99, §1 (NEW).

## §2808. ALTERATION OF SURFACE WATER FLOW

Unreasonable use of land that results in altered flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land is a nuisance. [ 2005, c. 564, §1 (NEW); 2005, c. 564, §3 (AFF).]

An action under this section must be commenced within 3 years after the cause of action accrues.

[ 2005, c. 564, §1 (NEW); 2005, c. 564, §3 (AFF).]

#### SECTION HISTORY

2005, c. 564, §1 (NEW). 2005, c. 564, §3 (AFF).

## Subchapter 4: DANGEROUS BUILDINGS

## §2851. DANGEROUS BUILDINGS

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [ 1997, c. 6, §1 (AMD) .]

**1. Notice.** The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[ 1997, c. 6, §1 (AMD) .]

**2. Notice; how published.** When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[ 1997, c. 6, §1 (AMD) .]

**3. Order.** The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[ 1997, c. 6, §1 (AMD) .]

**4. Proceedings in Superior Court.** In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[ 1997, c. 6, §1 (AMD) .]

#### SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD).  
1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

## §2852. APPEAL; HEARING

An appeal from a decision of the municipal officers or county commissioners must be to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B. [1997, c. 6, §2 (AMD) .]

#### SECTION HISTORY

1965, c. 284, (RPR). 1979, c. 27, §4 (RPR). 1997, c. 6, §2 (AMD).

## §2853. MUNICIPAL OFFICERS MAY ORDER NUISANCE ABATED

If no appeal is filed, the municipal officers of such municipality shall cause said nuisance to be abated or removed in compliance with their order, and all expenses thereof shall be repaid to the municipality by the owner or co-owner within 30 days after demand or a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses and such amount shall be included in the next annual warrant to the tax collector of said town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. [1967, c. 401, §2 (AMD) .]

In the case of any claim for expenses incurred in the abatement or removal of any wharf, pier, pilings or any portion thereof which extends beyond the low water mark, the special tax authorized by this section shall apply to the land from which such wharf, pier or pilings extended or to which they were adjacent, provided the owner of the land is also the owner of the said wharf, pier, pilings or portion thereof. [1973, c. 143, §2 (NEW) .]

Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service or process, costs of removal of the structure, any costs incurred in securing the structure, pending its removal, and all other costs incurred by the municipality which are reasonably related to the removal of the structure. In addition to levying a special tax, the municipality may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner. [1979, c. 27, §5 (NEW) .]

#### SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §2 (AMD). 1973, c. 143, §2 (AMD).  
1977, c. 707, §§5-A (AMD). 1979, c. 27, §5 (AMD).

## **§2854. COSTS**

*(REPEALED)*

### SECTION HISTORY

1965, c. 284, (RP).

## **§2855. ENTRY INTO FORCE BY TOWN VOTE**

*(REPEALED)*

### SECTION HISTORY

1965, c. 284, (RP).

## **§2856. SECURING DANGEROUS STRUCTURES**

In addition to other proceedings authorized by this subchapter, a municipality shall have the right to secure structures which pose a serious threat to the public health and safety and to recover its expenses in so doing as provided in this subchapter. If a building is secured under this section, notice, in accordance with section 2851, subsection 1, shall be given. This notice need not be given before securing the structure if the threat to the public health and safety requires prompt action. [1979, c. 27, §6 (NEW).]

### SECTION HISTORY

1979, c. 27, §6 (NEW).

## **§2857. RECORDING OF NOTICE**

The municipal clerk shall cause an attested copy of the notice to be recorded in the Registry of Deeds located within the county where the structure is situated. Recording of this notice shall be deemed to put any person claiming under the owner of a structure subject to proceedings under this subchapter on notice of the pendency of the proceedings. [1979, c. 27, §6 (NEW).]

### SECTION HISTORY

1979, c. 27, §6 (NEW).

## **§2858. CONSENT TO REMOVAL**

The owner and parties-in-interest of a dangerous structure may consent to its removal and to the recovery of the expenses incurred by a municipality by means of a special tax as set forth in this subchapter. Notices of the consent shall be recorded in the Registry of Deeds located in the county where the structure is situated. [1979, c. 27, §6 (NEW).]

### SECTION HISTORY

1979, c. 27, §6 (NEW).

## **§2859. SUMMARY PROCESS**

In cases involving an immediate and serious threat to the public health, safety or welfare, in addition to any other remedies, a municipality may obtain an order of demolition by summary process in Superior Court, in accordance with this section. [1981, c. 43, (NEW).]

**1. Commencement of action.** A municipality, acting through its building official, code enforcement officer, fire chief or municipal officers, shall file a verified complaint setting forth such facts as would justify a conclusion that a building or structure is "dangerous," as that term is defined in section 2851; and shall state in the complaint that the public health, safety or welfare requires the immediate removal of that building or structure.

[ 2007, c. 2, §5 (COR) .]

**2. Order of notice.** Whenever a complaint is filed under this section, the justice before whom it is brought, acting ex parte, shall promptly issue an order:

A. Requiring the owner and all parties-in-interest, as that term is defined in the statutes governing foreclosure by civil action, to appear and show cause why the building or structure should not be ordered demolished; [1981, c. 43, (NEW) .]

B. Specifying the method of service of the order and the complaint; [1981, c. 43, (NEW) .]

C. Setting a time and place for hearing the complaint, which shall be the earliest possible time but not be later than 10 days from the date of filing; and [1981, c. 43, (NEW) .]

D. Fixing the time for filing an answer to the complaint if the court determines that an answer is required. [1981, c. 43, (NEW) .]

**3. Enlargement of time; default.** The court may for good cause shown enlarge the time for the hearing. If the owner or parties-in-interest, or any of them, fail to answer, if an answer is required, or fail to appear as directed, or to attend the hearing at the time appointed or as enlarged, the court shall order a default judgment to be entered with respect to the owner or parties-in-interest.

[ 1981, c. 43, (NEW) .]

**4. Hearing.** After hearing, the court shall enter judgment. If the judgment requires removal of the building or structure, the court shall award costs to the municipality as authorized by this subchapter. The award of costs may be contested and damages sought in a separate action to the extent permitted by subsection 7.

[ 1981, c. 43, (NEW) .]

**5. Appeal.** No judgment requiring demolition issued pursuant to this section may be appealed. The owner of a building or structure which is the subject of an order issued under this section, or a party-in-interest, may appeal the award of costs, if any, or seek damages for wrongful removal pursuant to subsection 7.

[ 1981, c. 43, (NEW) .]

**6. Stay.** No judgment authorizing demolition may be stayed pending appeal, unless the court first determines that granting a stay would not pose a significant risk to the public health, safety or welfare.

[ 1981, c. 43, (NEW) .]

**7. Damages.** Any complaint that either seeks damages for the wrongful removal of a building or structure or challenges the award of costs must be filed no later than 30 days from the date of the judgment or order that is the subject of the appeal. The damages that may be awarded for wrongful demolition are limited



to the actual value of the structure at the time of its removal. The provisions of Title 14, section 7552 do not apply. If the municipality should prevail, the court may award it its costs in defending any appeal which may include, but are not limited to, reasonable attorney's fees.

[ 1995, c. 450, §6 (AMD) .]

#### SECTION HISTORY

1981, c. 43, (NEW). 1995, c. 450, §6 (AMD). RR 2007, c. 2, §5 (COR).

## Chapter 92: CHILD PROTECTION ACT

### §2871. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 538, §1 (NEW).]

**1. Day care center.** "Day care center" means a child care facility, as defined in Title 22, section 8301-A, subsection 1-A, paragraph B.

[ 2001, c. 645, §1 (AMD) .]

**2. Nursery school.** "Nursery school" means nursery school, as defined in Title 22, section 8401.

[ 1985, c. 538, §1 (NEW) .]

**3. Preschool facility.** "Preschool facility" means any day care center or nursery school.

[ 1997, c. 494, §2 (AMD); 1997, c. 494, §15 (AFF) .]

#### SECTION HISTORY

1985, c. 538, §1 (NEW). 1997, c. 494, §§1,2 (AMD). 1997, c. 494, §15 (AFF). 2001, c. 645, §1 (AMD).

### §2872. EMPLOYEES TRANSPORTING MINORS

No person may be employed in any preschool facility in any capacity that involves the transporting of minors by means of motor vehicle if the person, prior to commencement of that employment, has been convicted of a violation of former Title 29, section 1312, subsection 10; section 1312-B or 1312-C; Title 15, section 3103, subsection 1, paragraph F; or Title 29-A, section 2411 within the preceding 6-year period. [1995, c. 65, Pt. A, §54 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

#### SECTION HISTORY

1985, c. 538, §1 (NEW). 1987, c. 676, §1 (AMD). 1995, c. 65, §A54 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## Chapter 93: OBSCENITY

### **§2901. MAKING OR CIRCULATING BOOKS AND PICTURES**

*(REPEALED)*

SECTION HISTORY

1969, c. 575, §2 (AMD). 1977, c. 410, §1 (RP).

### **§2902. NOTICES FOR CURE OF VENEREAL DISEASES**

*(REPEALED)*

SECTION HISTORY

1977, c. 410, §1 (RP).

### **§2903. CIRCULATION AMONG MINORS OF CRIMINAL NEWS AND OBSCENE PICTURES**

*(REPEALED)*

SECTION HISTORY

1977, c. 410, §1 (RP).

### **§2904. USE OF PHONOGRAPHS FOR PROFANE OR OBSCENE LANGUAGE**

*(REPEALED)*

SECTION HISTORY

1977, c. 410, §1 (RP).

### **§2905. OBSCENE OR IMPURE SHOWS**

*(REPEALED)*

SECTION HISTORY

1977, c. 410, §1 (RP).

### **§2906. MAGAZINES CONTAINING OBSCENE MATERIAL ON THEIR COVERS NOT TO BE DISPLAYED TO MINORS**

*(REPEALED)*

SECTION HISTORY

1977, c. 419, (NEW). 1979, c. 127, §122 (RP).

## Chapter 93-A: OBSCENITY

### §2911. DISSEMINATION OF OBSCENE MATTER TO MINORS

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following words shall have the following meanings.

A. "Distribute" means to transfer possession, whether with or without consideration. [1977, c. 410, §2 (NEW).]

B. "Exhibit" means to display for viewing by the public. [1977, c. 410, §2 (NEW).]

C. "Matter" means any printed or written material, any picture, photograph, motion picture or other visual representation. [1983, c. 300, §2 (AMD).]

C-1. "Minor" means a person under 18 years of age. [1983, c. 300, §3 (NEW).]

D. "Obscene matter" means matter which:

(1) To the average individual, applying contemporary community standards, with respect to what is suitable material for minors, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value. [1977, c. 696, §168 (AMD).]

[ 1983, c. 300, §§2, 3 (AMD) .]

**2. General rule.** A person is guilty of disseminating obscene matter to a minor if he knowingly distributes, or exhibits or offers to distribute or exhibit to a minor, any obscene matter declared obscene, in an action to which he was a party, pursuant to subsection 3.

A. This section shall not apply to any noncommercial distribution or exhibition for purely educational purposes by any library, art gallery, museum, public school, private school or institution of learning, nor to any commercial distribution or exhibition by any art gallery or museum. [1977, c. 410, §2 (NEW) .]

B. It shall be a valid defense to any proceeding under this section that:

(1) The defendant was a parent or guardian of the minor;

(2) The distribution or exhibition is exempt under paragraph A; or

(3) For motion pictures, the minor was accompanied by his spouse, parent or legal guardian.

[1983, c. 300, §4 (AMD).]

[ 1983, c. 300, §4 (AMD) .]

**3. Procedure for adjudicating obscenity.** Whenever the Attorney General, or any district attorney, reasonably believes a person is disseminating to minors matter that is obscene, the Attorney General or district attorney may petition the Superior Court to declare the matter obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General or district attorney may join all persons the Attorney General or district attorney reasonably believes to be disseminating that matter to minors as parties to the action. The hearing on such petition may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

A. Trial on the issue of obscenity must be by jury. [2011, c. 559, Pt. A, §18 (AMD).]

B. Intervention by others disseminating the same matter must be freely allowed. [2011, c. 559, Pt. A, §18 (AMD).]

C. Determination by a court pursuant to this subsection that a matter is obscene does not bar relitigation of that issue in a criminal prosecution under this section. [2011, c. 559, Pt. A, §18 (AMD).]

[2011, c. 559, Pt. A, §18 (AMD).]

**4. Penalty.** Disseminating obscene matter to a minor is a Class C crime.

[1983, c. 300, §5 (AMD).]

#### SECTION HISTORY

1977, c. 410, §2 (NEW). 1977, c. 696, §168 (AMD). 1983, c. 300, §§2-5 (AMD). 2011, c. 559, Pt. A, §18 (AMD).

## §2912. MAGAZINES CONTAINING OBSCENE MATERIAL ON THEIR COVERS NOT TO BE DISPLAYED TO MINORS

**1. Prohibition.** No book, magazine or newspaper containing obscene material on its cover and offered for sale may be displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

[2009, c. 2, §37 (COR).]

**2. Definitions.** For purposes of this section, the following terms shall have the following meanings.

A. "Minor" means any person who has not attained his 18th birthday. [1979, c. 127, §123 (NEW).]

B. "Obscene material" means material which:

- (1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;
  - (2) Depicts or describes in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and
  - (3) When considered as a whole, lacks serious literary, artistic, political or scientific value.
- [1983, c. 300, §6 (AMD).]

[1983, c. 300, §6 (AMD).]

**3. Civil violation.** Any person violating this section shall be subject to a forfeiture of not more than \$250.

[1979, c. 127, §123 (NEW).]

#### SECTION HISTORY

1979, c. 127, §123 (NEW). 1983, c. 300, §6 (AMD). RR 2009, c. 2, §37 (COR).

## §2913. EXHIBITING OBSCENE MOTION PICTURES TO MINORS AT OUTDOOR MOTION PICTURE THEATERS

**1. Definitions.** For purposes of this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Exhibit" means to display for viewing by the public. [1983, c. 300, §7 (NEW).]

B. "Obscene motion picture" means a motion picture which:

(1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;

(2) Depicts or describes in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) When considered as a whole, lacks serious literary, artistic, political or scientific value.

[1983, c. 300, §7 (NEW).]

[ 1983, c. 300, §7 (NEW) .]

**2. Exhibiting obscene motion pictures.** A person is guilty of exhibiting obscene motion pictures to a minor at an outdoor motion picture theater if he knowingly exhibits an obscene motion picture declared obscene in an action to which he was a party pursuant to subsection 3, at an outdoor motion picture theater in such a manner that the exhibition is visible by minors from or in any public street, highway, sidewalk, thoroughfare, private residence or place of public accommodation.

[ 1983, c. 300, §7 (NEW) .]

**3. Procedure for adjudicating obscenity.** Whenever the Attorney General, or any district attorney, reasonably believes a person is exhibiting at an outdoor motion picture theater a motion picture that is obscene, the Attorney General or district attorney may petition the Superior Court to declare the motion picture obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General, or district attorney, may join all persons the Attorney General or district attorney reasonably believes to be exhibiting that motion picture to minors as parties to the action. The hearing on that petition may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

A. Trial on the issue of obscenity must be by jury. [2011, c. 559, Pt. A, §19 (AMD).]

B. Intervention by others exhibiting the same motion picture must be freely allowed. [2011, c. 559, Pt. A, §19 (AMD).]

C. Determination by a court, pursuant to this subsection, that a motion picture is obscene does not bar relitigation of that issue in a criminal prosecution under this section. [2011, c. 559, Pt. A, §19 (AMD).]

[ 2011, c. 559, Pt. A, §19 (AMD) .]

**4. Penalty.** Exhibiting obscene motion pictures to a minor at an outdoor motion picture theater is a Class D crime.

[ 1983, c. 300, §7 (NEW) .]

### SECTION HISTORY

1983, c. 300, §7 (NEW). 2011, c. 559, Pt. A, §19 (AMD).

## Chapter 93-B: SEXUAL EXPLOITATION OF MINORS

### §2921. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1977, c. 628, §1 (NEW). 1983, c. 300, §8 (AMD). 1985, c. 495, §2 (AMD). 1987, c. 165, (AMD). 1989, c. 401, §B2 (AMD). 1999, c. 444, §§1,2 (AMD). 2003, c. 711, §B1 (RP).

### §2922. SEXUAL EXPLOITATION OF A MINOR

*(REPEALED)*

#### SECTION HISTORY

1977, c. 628, §1 (NEW). 1985, c. 495, §3 (AMD). 2003, c. 452, §§I47,48 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 711, §B1 (RP).

### §2923. DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS

*(REPEALED)*

#### SECTION HISTORY

1977, c. 628, §1 (NEW). 1983, c. 223, (AMD). 1993, c. 727, §1 (AMD). 1999, c. 444, §§3,4 (AMD). 2001, c. 412, §1 (AMD). 2003, c. 452, §§I49,50 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 711, §B1 (RP).

### §2924. POSSESSION OF SEXUALLY EXPLICIT MATERIALS

*(REPEALED)*

#### SECTION HISTORY

RR 1993, c. 2, §8 (COR). 1993, c. 727, §2 (NEW). 2001, c. 412, §2 (AMD). 2003, c. 452, §§I51-53 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 711, §B1 (RP).

### §2925. FORFEITURE OF EQUIPMENT USED TO FACILITATE VIOLATIONS

*(REPEALED)*

#### SECTION HISTORY

1999, c. 444, §5 (NEW). 2003, c. 711, §B1 (RP).

## Chapter 93-C: INTERFERENCE WITH CONSTITUTIONAL AND CIVIL RIGHTS

### §2931. PROHIBITION

A person may not, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to that person by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States. [1999, c. 51, §2 (AMD).]

As used in this section, "intentionally" has the meaning set forth in Title 17-A, section 35. [1987, c. 695, §5 (AMD).]

#### SECTION HISTORY

1987, c. 515, §2 (NEW). 1987, c. 695, §5 (AMD). 1999, c. 51, §2 (AMD).

### §2932. PENALTY

A violation of this chapter is a Class D crime. [1987, c. 515, §2 (NEW).]

#### SECTION HISTORY

1987, c. 515, §2 (NEW).



## Chapter 95: OBSTRUCTING JUSTICE

### §2951.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §2952.

*(REPEALED)*

SECTION HISTORY

1965, c. 11, (AMD). 1971, c. 97, §7 (AMD). 1973, c. 499, (AMD). 1975, c. 499, §15 (RP).

### §2953.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §2954.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §2955.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §2956.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

## Chapter 97: PERJURY AND SUBORNATION OF PERJURY

### **§3001.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### **§3002.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### **§3003.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### **§3004.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

## Chapter 99: PROSTITUTION AND DISORDERLY HOUSES

### §3051.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3052.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3053.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3054.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3055.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3056.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3057.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

### §3058.

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §15 (RP).

**§3059.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §15 (RP).

**§3060.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §15 (RP).

**§3061.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §15 (RP).

**§3062.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §15 (RP).

## Chapter 101: PUBLIC OFFICES AND OFFICERS

### §3101. MALFEASANCE IN OFFICE

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §16 (RP).

### §3102. EXTORTING ILLEGAL FEES IN PERFORMANCE OF OFFICIAL DUTY

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §16 (RP).

### §3103. REFUSAL TO DELIVER MONEY OR PROPERTY TO SUCCESSOR IN OFFICE

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §16 (RP).

### §3104. CONFLICTS OF INTEREST; PURCHASES BY THE STATE

No trustee, superintendent, treasurer or other person holding a place of trust in any state office or public institution of the State shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the State or of the institution in which he holds such place of trust, and any contract made in violation hereof is void. This section shall not apply to purchases of the State by the Governor under authority of Title 1, section 814. [1975, c. 771, §164 (AMD).]

SECTION HISTORY

1967, c. 247, §1 (AMD). 1973, c. 785, §1 (AMD). 1975, c. 499, §26 (AMD). 1975, c. 771, §164 (AMD).

**Chapter 103: RAPE AND CARNAL KNOWLEDGE****§3151.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §17 (RP).

**§3151-A.***(REPEALED)*

## SECTION HISTORY

1971, c. 539, §17 (NEW). 1975, c. 499, §17 (RP).

**§3152.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §17 (RP).

**§3153.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §17 (RP).

**§3154.***(REPEALED)*

## SECTION HISTORY

1971, c. 539, §18 (NEW). 1975, c. 499, §17 (RP).

## Chapter 105: RELIGIOUS ASSEMBLIES, HOLY DAYS AND HOLIDAYS

### Subchapter 1: HOLY DAYS

#### §3201. DEFINITION OF LORD'S DAY

The Lord's Day includes the time between 12 o'clock on Saturday night and 12 o'clock on Sunday night.

#### §3202. COMPUTATION BY STANDARD TIME

To determine when the Lord's Day begins and ends under section 3204 as it applies to diversion, show or entertainment, the hours shall be United States Eastern Standard time. [1971, c. 334, §1 (AMD).]

##### SECTION HISTORY

1971, c. 334, §1 (AMD).

#### §3203. SALES OF MOTOR VEHICLES PROHIBITED

**1. Sales of motor vehicles on Sunday prohibited.** Except as provided in section 3203-A, on Sunday a person may not:

A. Carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; [2003, c. 452, Pt. I, §54 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Open any place of business or lot in which that person attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or [2003, c. 452, Pt. I, §54 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Buy, sell, exchange, deal or trade in new or used motor vehicles. [2003, c. 452, Pt. I, §54 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §54 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Penalty.** A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. If the person is the holder of dealer or transporter registration plates under Title 29-A, chapter 9, the person is subject to the suspension or revocation of those plates, as provided for in Title 29-A, section 903, for the violation of this section.

[ 2003, c. 452, Pt. I, §54 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

##### SECTION HISTORY

1973, c. 27, §1 (AMD). 1973, c. 788, §70 (AMD). 1979, c. 127, §124 (AMD). 1995, c. 65, §A55 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 87, §1 (AMD). 1995, c. 625, §B3 (RPR). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I54 (RPR).

#### §3203-A. MOTOR HOMES

A person who is licensed in accordance with Title 29-A, section 951 and whose primary business is the buying and selling of new motor homes is exempt from section 3203 as it relates to that person's primary business. A "motor home" means a motor vehicle that is primarily designed as temporary living quarters and: [1995, c. 87, §2 (NEW).]

**1. Part of vehicle.** Is built onto or is an integral part of the motor vehicle chassis; and

[ 1995, c. 87, §2 (NEW) .]

**2. Contains living systems.** Contains independent living systems that are part of the manufacturing process that include cooking facilities, plumbing with external evacuation or that is self-contained, electrical capabilities, a heating source powered separately from the engine and a water system that includes a sink and faucet.

[ 1995, c. 87, §2 (NEW) .]

#### SECTION HISTORY

1995, c. 87, §2 (NEW).

## §3204. BUSINESS, TRAVELING OR RECREATION ON SUNDAY

**1. Restriction.** A person may not keep a place of business open to the public:

A. On Sunday, except:

- (1) For works of necessity, emergency or charity; or
- (2) Between the hours of noon and 5:00 p.m. on Sundays falling between Thanksgiving Day and Christmas Day; or [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. On the following holidays:

- (1) On Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May;
- (2) On July 4th;
- (3) On Labor Day, the first Monday of September;
- (4) On Veterans' Day, November 11th;
- (5) On Christmas Day; and
- (6) On Thanksgiving Day. [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Exceptions.** This section does not apply to:

- A. Common, contract and private carriers; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- B. Taxicabs; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- C. Airplanes; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- D. Newspapers; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- E. Radio and television stations; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- F. Hotels, motels, rooming houses, tourist and trailer camps; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]



- G. Restaurants; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- H. Garages and motor vehicle service stations; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- I. Retail monument dealers; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- J. Automatic laundries; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- K. Machines that vend anything of value, including, but not limited to, a product, money or service; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- L. A satellite facility approved by the Superintendent of Financial Institutions under Title 9-B; or comparable facility approved by the appropriate federal authority; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- M. Pharmacies; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- N. Greenhouses; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- P. Public utilities; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- Q. Industries normally kept in continuous operation, including, but not limited to, electric generation plants, pulp and paper plants and textile plants; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- R. Processing plants handling agricultural produce or products of the sea; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- S. Ship chandleries; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- T. Marinas; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- U. Establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- V. Motion picture theaters; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- W. Public dancing; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- X. Sports and athletic events; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- Y. Bowling alleys; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- Z. Displaying or exploding fireworks, under Title 8, chapter 9-A; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- AA. Musical concerts; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

BB. Religious, educational, scientific or philosophical lectures; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

CC. Scenic, historic, recreational and amusement facilities; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

DD. Real estate brokers and real estate sales representatives; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

EE. Mobile home brokers and mobile home sales representatives; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

FF. Stores in which no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

GG. Stores that have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space; and [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

HH. Stores with more than 5,000 square feet of interior customer selling space that engage in retail sales and that do not require, as a condition of employment, that their employees work on Sundays. If an employer decreases the average weekly work hours of an employee who has declined to work on Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section, unless the employer and employee agreed that the employee would work on Sundays when the employee was initially hired. In no event, however, may any store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Thanksgiving Day and Christmas Day. [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

This subsection does not exempt the businesses or facilities specified in sections 3205 and 3207 from closing in any municipality until the requirements of those sections have been met.

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Scope.** For the purpose of determining qualification, a "store" is an operation conducted within one building advertising as, and representing itself to the public to be, one business enterprise regardless of internal departmentalization. All subleased departments of any store for the purpose of this section are considered to be operated by the store in which they are located. Contiguous stores owned by the same proprietor or operated by the same management for the purpose of this section are considered to be a single store.

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Penalty.** A person who violates this section commits a Class E crime. A violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A complaint charging violation of this section may not issue later than 5 days after its alleged commission.

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Injunctive relief.** In addition to any criminal penalties provided in this section, the Attorney General, a district attorney or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin any violation of this section. The Superior Court has original jurisdiction of these complaints and authority to enjoin these violations.

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Application.** This section does not apply to isolated or occasional sales by persons not engaged in the sale, transfer or exchange of property as a business.

[ 2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1969, c. 236, §3 (AMD). 1969, c. 504, §24-A (AMD). 1971, c. 334, §2 (AMD). 1973, c. 27, §2 (AMD). 1973, c. 114, §4 (AMD). 1973, c. 142, (AMD). 1973, c. 350, (AMD). 1973, c. 567, §20 (AMD). 1973, c. 625, §91 (AMD). 1975, c. 418, §3 (AMD). 1975, c. 623, §18-G (AMD). 1977, c. 284, §3 (AMD). 1981, c. 352, §5 (AMD). 1983, c. 156, (AMD). 1983, c. 480, §A13 (AMD). 1985, c. 114, §3 (AMD). 1985, c. 509, (AMD). IB 1989, c. 2, (AMD). 1991, c. 315, (AMD). 1999, c. 657, §7 (AMD). 2001, c. 44, §11 (AMD). 2001, c. 44, §14 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I55 (RPR).

### §3205. LOCAL OPTION; SPORTS

This section may be referred to in proceedings of city governments and in warrants for town meetings as "The Sunday Amateur Sports Law."

In any municipality that shall so vote, as provided, it shall be lawful to engage in as a participant, manager or official, or to attend as a spectator any outdoor recreational or competitive amateur sport or game, except boxing, horse racing, air circuses or wrestling between the hours of 1 p.m. and 7 p.m. on Sunday.

This section shall not be effective in any city until the municipal officers of a city so vote or in any town until an article in a town warrant so providing has been adopted at any annual or special town meeting. When a municipality has voted in favor of adopting this section, said section shall be effective until repealed in the same manner.

Municipalities adopting the provisions hereof may designate certain areas or places in said municipalities in which said outdoor amateur games and sports may be engaged in, and may pass regulations concerning said areas and places to the end that persons attending places of public worship may not be disturbed therein. No regulations shall be passed which shall prohibit the receiving of remuneration by any proprietor or owner of such areas or places, or the taking of collections at any such amateur sport or game.

The municipal officers of cities shall take action upon the acceptance hereof upon receipt of a petition therefor signed by at least 100 registered voters in said city and shall hold such public hearings thereon as they may deem necessary. The selectmen or other municipal officers of towns shall insert an article in the warrant for the next annual town meeting for the acceptance of the provisions of this section after receipt of a petition therefor signed by at least 25 registered voters of such town.

Any person violating any of the provisions of this section or any regulation of a municipality made in connection therewith shall upon conviction be punished by a fine of \$5 and costs of prosecution.

### §3206. -- BOWLING

*(REPEALED)*

#### SECTION HISTORY

1977, c. 91, (RP).

### §3207. -- MOVING PICTURES

In any municipality that shall vote as provided, it shall be lawful for any moving picture theater to have an exhibition of moving pictures on Sunday between the hours of 1 p.m. and 11:30 p.m. This section shall not be effective in any city until a majority of the legal voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal

officers thereof and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a municipality has voted in favor of adopting this section, said section shall remain in effect therein until repealed in the same manner as provided for their adoption. It shall be unlawful for any person, firm or corporation operating any theatrical or motion picture show on Sunday to require or permit any employee of said person, firm or corporation to work or be on duty more than 6 days in any one week. [1965, c. 172, §1 (AMD).]

## SECTION HISTORY

1965, c. 172, §1 (AMD).

### **§3208. HOTELS AND RESTAURANTS; GAMBLING, DIVERSION OR BUSINESS FORBIDDEN**

*(REPEALED)*

## SECTION HISTORY

1981, c. 83, (RP).

### **§3209. SATURDAY AS HOLY DAY**

No person conscientiously believing that the 7th day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the first day of the week, if he does not disturb other persons.

#### Subchapter 2: HOLIDAYS

### **§3241. MEMORIAL DAY RESTRICTIONS**

Whoever on Memorial Day before 3:30 o'clock in the afternoon engages in any public outdoor game or sport where an admission is charged or collection is taken shall be punished by a fine of not more than \$25 or by imprisonment for not more than 10 days, or by both.

#### Subchapter 3: RELIGIOUS ASSEMBLIES

### **§3281. RUDE BEHAVIOR IN PLACES OF WORSHIP**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §18 (RP).

### **§3282. SPECIAL POLICE FOR CAMP MEETINGS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §18 (RP).

#### Subchapter 4: ENFORCEMENT

### **§3301. PROSECUTIONS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 499, §18 (RP).

## Chapter 106: CONVENIENCE STORE OPERATION

### §3321. STORE SECURITY

(REPEALED)

#### SECTION HISTORY

1991, c. 123, (NEW). 1999, c. 347, §§1,2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §156 (RP).

### §3321-A. STORE SECURITY

**1. Definition.** For purposes of this section, "convenience store" means a retail store that specializes in the sale of a limited quantity and variety of consumable items in their original containers.

[ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Restrictions.** A person may not keep open a convenience store 24 hours a day unless the store has:

A. A drop safe that is bolted to the floor, installed in the floor or weighs at least 500 pounds; [ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. A conspicuous sign in the store entrance that states that between the hours of 9 p.m. and 5 a.m. the cash register contains \$50 or less, that there is a safe in the store and that the safe is not accessible to the employees; [ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. During the hours of 9 p.m. to 5 a.m., no more than \$50 cash available and readily accessible to employees; and [ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. An alarm or telephone within the store that is accessible to the employees. The alarm must be connected to a public or private safety agency. [ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Penalty.** A person who violates this section commits a Class E crime. A violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A complaint charging violation of this section may not issue later than 5 days after its alleged commission. Each day that a violation of this section occurs is considered a separate offense.

[ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Injunctive relief.** In addition to any criminal penalties provided in this section, the Attorney General, a district attorney or a resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin a violation of this section. The Superior Court has original jurisdiction of the complaints and authority to enjoin the violations.

[ 2003, c. 452, Pt. I, §57 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §157 (NEW). 2003, c. 452, §X2 (AFF).

**Chapter 107: RIOTS AND UNLAWFUL ASSEMBLIES****§3351.*****(REPEALED)***

## SECTION HISTORY

1965, c. 86, (AMD). 1975, c. 499, §19 (RP).

**§3352.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3353.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3354.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3355.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3356.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3357.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

## Chapter 109: ROBBERY

### **§3401.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §19 (RP).

### **§3401-A.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §19 (NEW). 1975, c. 499, §19 (RP).

### **§3402.**

*(REPEALED)*

SECTION HISTORY

1971, c. 539, §20 (RPR). 1975, c. 499, §19 (RP).

**Chapter 111: SALE OR POSSESSION OF UNWHOLESOME FOOD OR DRINK****§3451.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3452.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3453.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3454.***(REPEALED)*

## SECTION HISTORY

1967, c. 30, §1 (AMD). 1975, c. 499, §19 (RP).

**§3455.***(REPEALED)*

## SECTION HISTORY

1967, c. 30, §2 (AMD). 1975, c. 499, §19 (RP).

**§3456.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3457.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3458.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §19 (RP).



**§3459.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3460.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3461.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3462.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3463.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**§3464.*****(REPEALED)***

## SECTION HISTORY

1975, c. 499, §19 (RP).

**Chapter 112: INHALATION OF CERTAIN VAPORS****§3475.***(REPEALED)*

## SECTION HISTORY

1965, c. 359, §1 (NEW). 1975, c. 499, §19 (RP).

**§3476.***(REPEALED)*

## SECTION HISTORY

1965, c. 359, §1 (NEW). 1975, c. 499, §19 (RP).

## Chapter 113: SHOPLIFTING

### **§3501.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §19 (RP).

## **Chapter 114: DETENTION OF CERTAIN PERSONS SUSPECTED OF STEALING**

### **§3521. DETENTION OF CERTAIN PERSONS SUSPECTED OF STEALING**

A store or motion picture theater owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully concealing merchandise or concealing part of or operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited, without the written consent of the motion picture theater owner. The purposes of detention are: to require the person being detained to provide identification; to verify the identification; to inform a law enforcement officer of the detention and to surrender that person to the officer; to take possession of and hold stolen merchandise or recordings and related equipment pending arrival of law enforcement; and, when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of the minor of the detention and to surrender the minor to the person so informed. [ 2005, c. 199, §2 (AMD). ]

#### SECTION HISTORY

1975, c. 543, (NEW). 1989, c. 122, §1 (AMD). 2005, c. 199, §2 (AMD).

## Chapter 115: STOLEN GOODS

### **§3551.**

*(REPEALED)*

SECTION HISTORY

1973, c. 39, (AMD). 1975, c. 499, §19 (RP).

### **§3552.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §19 (RP).

### **§3553.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §19 (RP).

### **§3554.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §19 (RP).

## **Chapter 117: STRIKES AND VIOLENCE AGAINST UTILITIES, RAILROADS AND PLANTS**

### **§3601. VIOLENCE OR INTIMIDATION TO PROMOTE CONTROVERSY BETWEEN UTILITY AND WORKERS**

Whoever, alone or in pursuance or furtherance of any agreement or combination with others to do or procure to be done any act in contemplation or furtherance of a dispute or controversy between a gas, telegraph, telephone, electric light, electric power or railroad corporation and its employees or workmen, wrongfully and without legal authority, uses violence towards or intimidates any person in any way or by any means, with intent thereby to compel such person against his will to do or abstain from doing any act which he has a legal right to do or abstain from doing; or, on the premises of such corporation, by bribery or in any manner or by any means induces or endeavors or attempts to induce such person to leave the employment and service of such corporation, with intent thereby to further the objects of such combination or agreement; or in any way interferes with such person while in the performance of his duty; or threatens or persistently follows such person in a disorderly manner or injures or threatens to injure his property with either of said intents, shall be punished by a fine of not more than \$300 or by imprisonment for not more than 3 months.

### **§3602. RAILROADS; INTERFERENCE WITH TRAINS OR PROPERTY**

Any employee of a railroad corporation who, in pursuance of an agreement or combination by 2 or more persons to do or procure to be done any act in contemplation or furtherance of a dispute between such corporation and its employees, unlawfully, or in violation of his duty or contract, stops or unnecessarily delays or abandons or in any way injures a locomotive or any car or train of cars on the railroad track of such corporation, or in any way hinders or obstructs the use of any locomotive, car or train of cars on the railroad of such corporation shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.

### **§3603. -- OBSTRUCTIONS OF ENGINES OR CARRIAGES; ABANDONMENT**

Whoever, by any unlawful act or by any willful omission or neglect, obstructs or causes to be obstructed an engine or carriage on any railroad, or aids or assists therein; or whoever, having charge of any locomotive or carriage while upon or in use on any railroad, willfully stops, leaves or abandons the same, or renders or aids or assists in rendering the same unfit for or incapable of immediate use, with intent thereby to hinder, delay or in any manner to obstruct or injure the management and operation of any railroad or the business of any corporation operating or owning the same, or of any other corporation or person, and whoever aids or assists therein shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years.

### **§3604. -- CARELESSNESS AND NEGLIGENCE IN REFERENCE TO TRAINS**

Whoever, having any management of or control, either alone or with others, over any railroad locomotive, car or train while it is used for the carriage of persons or property, or is at any time guilty of gross carelessness or neglect thereon or in relation to the management or control thereof; or maliciously stops or delays the same in violation of the rules and regulations then in force for the operation thereof; or abstracts therefrom the tools or appliances pertaining thereto, with intent thereby maliciously to delay the same, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years.

### **§3605. -- REFUSAL OF EMPLOYEES TO PERFORM DUTY**

Any person in the employment of a railroad corporation who, in furtherance of the interests of either party to a dispute between another railroad corporation and its employees, refuses to aid in moving the cars of such other corporation or trains in whole or in part made up of the cars of such other corporation over the

tracks of the corporation employing him; or refuses to aid in loading or discharging such cars, in violation of his duty as such employee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.

### **§3606. MASS PICKETING TO PREVENT MAINTENANCE OR MOVEMENT OF PERISHABLES**

It shall be unlawful for any person, acting individually or in concert with others, by mass picketing, force, coercion, physical obstruction at the entrance to any place of employment or physical obstruction in any street, sidewalk or railway, to prevent or attempt to prevent the delivery to any public, commercial or industrial enterprise of any supply, commodity or service necessary for the proper maintenance of any of the buildings, equipment, machinery or fixtures constituting such enterprise or necessary to keep any of such buildings, equipment, machinery or fixtures from deteriorating or being damaged by fire, freeze-up or other casualties, or the harvesting, the storing, the transportation to storage and market of a perishable food product. For the purpose of this section, "person" means any individual, corporation or unincorporated association, including partnerships and labor organizations. Whoever violates this section shall be punished by a fine of not more than \$250 or by imprisonment for not more than 30 days, or by both.

## Chapter 119: SUBVERSIVE ACTIVITIES

### **§3651.**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §19 (RP).



## Chapter 121: THREATS AND EXTORTION

### §3701. THREATENING COMMUNICATIONS

*(REPEALED)*

#### SECTION HISTORY

1973, c. 638, (AMD). 1975, c. 499, §20 (RP).

### §3702. INTENT TO EXTORT

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §20 (RP).

### §3703. MALICIOUS VEXATION BY PERSONS OVER 16

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §20 (RP).

### §3704. ANNOYING TELEPHONE CALLS PROHIBITED

*(REPEALED)*

#### SECTION HISTORY

1967, c. 176, (NEW). 1975, c. 740, §9 (RP).

**Chapter 123: TRAMPS AND VAGRANTS****§3751.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3752.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3753.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3754.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3755.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3756.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3757.***(REPEALED)*

## SECTION HISTORY

1975, c. 499, §21 (RP).

**§3758.***(REPEALED)*

## SECTION HISTORY

1969, c. 590, §§20-A (AMD). 1971, c. 66, (RPR). 1975, c. 499, §21 (RP).

## Chapter 125: TREASON

### **§3801.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §21 (RP).

### **§3802.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §21 (RP).

### **§3803.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §21 (RP).

## Chapter 127: TRESPASS

### §3851. LANDS APPURTENANT TO STATE INSTITUTIONS

*(REPEALED)*

#### SECTION HISTORY

1965, c. 119, (AMD). 1967, c. 195, §5 (AMD). 1967, c. 235, (AMD).  
1967, c. 391, §3 (AMD). 1967, c. 544, §43 (RPR). 1969, c. 504, §25  
(AMD). 1971, c. 170, (RPR). 1971, c. 544, §55 (AMD). 1975, c. 499, §22  
(RP).

### §3852. IMPROVED LANDS AND FISH PONDS

*(REPEALED)*

#### SECTION HISTORY

1967, c. 86, §2 (AMD). 1975, c. 499, §22 (RP).

### §3853. COMMERCIAL OR RESIDENTIAL PROPERTY

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §22 (RP).

### §3853-A. PUBLIC BEACHES AND SHORES

The municipal officers in any municipality wherein a public beach, shore or bank exists may grant a permit to persons to allow horses, cattle, sheep, swine, motor vehicles or motor driven cycles to enter upon such beach, shore or bank at the times designated on such permit. Anyone willfully permitting cattle, horses, sheep, swine, motor vehicles or motor driven cycles to enter upon such public beach, shore or bank without such permit shall be guilty of trespass and shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both. [1965, c. 355, (NEW).]

#### SECTION HISTORY

1965, c. 355, (NEW).

### §3853-B. TRESPASS BY ANIMALS

*(REPEALED)*

#### SECTION HISTORY

1977, c. 671, §§18-A (NEW). 1987, c. 383, §6 (RP).

### §3853-C. TRESPASS BY MOTOR VEHICLE; CIVIL VIOLATION

**1. Violation.** A person may not park a motor vehicle or allow a motor vehicle under that person's control to remain parked:

A. In a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of that private drive or way; or [2011, c. 561, §2 (NEW).]

B. On a public highway in a manner that blocks the entrance to a private driveway, gate or barway.  
[ 2011, c. 561, §2 (NEW) .]

[ 2011, c. 561, §2 (NEW) .]

**2. Penalty.** A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 must be adjudged.

[ 2011, c. 561, §2 (NEW) .]

**3. Registered owner's liability for vehicle.** There is a rebuttable presumption that a registered owner of a vehicle involved in a violation of subsection 1 has that vehicle under that person's control.

[ 2011, c. 561, §2 (NEW) .]

#### SECTION HISTORY

1981, c. 251, (NEW). 2011, c. 561, §2 (RPR).

## §3853-D. OPERATING A MOTOR VEHICLE ON LAND OF ANOTHER

**1. Damage or destruction to farmland or forest land.** A person who, as a result of operating a motor vehicle on farmland or forest land in fact, damages or destroys crops, forest products, personal property or roads on that farmland or forest land, commits a Class E crime.

[ 1995, c. 539, §1 (AMD) .]

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmland" means land used for the production of fruits, vegetables, grains, hay or herbs that consists of 5 or more contiguous acres. The term "farmland" does not include land used for the production of wood products. [1989, c. 289, (NEW) .]

A-1. "Forest land" means land used for the production of forest products. [1995, c. 539, §1 (NEW) .]

A-2. "Forest products" means any woody stemmed plant as well as any products that have been harvested but not yet transported from the harvesting site, including logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, evergreen boughs and cones for seed production. [1995, c. 539, §1 (NEW) .]

B. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including all-terrain vehicles as defined in Title 12, section 13001, but not including snowmobiles. [2003, c. 414, Pt. B, §34 (AMD); 2003, c. 614, §9 (AFF) .]

[ 2003, c. 414, Pt. B, §34 (AMD); 2003, c. 614, §9 (AFF) .]

**3. Application.** This section does not apply to:

A. A landowner operating a motor vehicle on farmland or forest land owned by that landowner; [1995, c. 539, §1 (AMD) .]

B. A person given permission by a landowner to operate a motor vehicle on farmland or forest land owned by that landowner; [1995, c. 539, §1 (AMD) .]

C. An agent or employee of a landowner who operates a motor vehicle on farmland or forest land owned by that landowner in the scope of that agent's or employee's agency or employment; or [1995, c. 539, §1 (AMD) .]

D. A law enforcement officer who, in an emergency and in the scope of that law enforcement officer's employment, operates a motor vehicle on farmland or forest land owned by another. [1995, c. 539, §1 (AMD).]

[ 1995, c. 539, §1 (AMD) .]

#### SECTION HISTORY

1989, c. 289, (NEW). 1995, c. 539, §1 (AMD). 2003, c. 414, §B34 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

### **§3854. ENTRY OF AND REFUSAL TO VACATE CERTAIN BUILDINGS**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 244, (RPR). 1973, c. 494, §§1,2 (AMD). 1975, c. 499, §22 (RP).

### **§3855. ENTERING OR PASSING OVER FORBIDDEN ENCLOSED OR CULTIVATED LAND; ARREST OF OFFENDERS**

*(REPEALED)*

#### SECTION HISTORY

1971, c. 32, (AMD). 1975, c. 499, §22 (RP).

### **§3856. TRESPASS ON TIMBER; REMOVAL OF PRODUCE; REMOVAL OF GOODS FROM WHARF OR LANDING PLACE**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §22 (RP).

### **§3857. LIMITATIONS AND JURISDICTION**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §22 (RP).

### **§3858. TAMPERING WITH OR DESTROYING COLONIES OF WILD BEES**

*(REPEALED)*

#### SECTION HISTORY

1975, c. 499, §22 (RP).

### **§3859. TRESPASS ON LAND DEVOTED TO WILDLIFE PRESERVATION**

Whoever willfully and knowingly hunts upon unimproved land devoted to the preservation of wildlife and owned by a corporation organized under Title 13, chapter 81, including that portion of any public way which crosses or abuts said land, provided that all boundaries of said land are posted with signs at least every 50 feet indicating that said land is a wildlife preserve, shall be punished by a fine of not more than \$50.

[1967, c. 202, (RPR).]

#### SECTION HISTORY

1965, c. 64, (NEW). 1967, c. 202, (RPR).

**§3860. GREAT POND; ACCESS OR EGRESS**

No person on foot shall be denied access or egress over unimproved land to a great pond except that this provision shall not apply to access or egress over the land of a water company or a water district when the water from the great pond is utilized as a source for public water. [1973, c. 530, §2 (NEW).]

The Attorney General shall, upon complaint of a person being denied said access or egress, if in his judgment the public interest so requires, prosecute criminally or civilly any person who denies such right of access or egress. [1973, c. 530, §2 (NEW).]

Any person may maintain an action in the Superior Court having jurisdiction where the alleged denial of access or egress occurred or is likely to occur for declaratory and equitable relief and actual and punitive damages against any person, partnership, corporation or other legal entity for any violations of this section. [1973, c. 530, §2 (NEW).]

Whoever violates this section shall be punished by a fine of not more than \$100 and by imprisonment for not more than 90 days. [1973, c. 530, §2 (NEW).]

**SECTION HISTORY**

1973, c. 530, §2 (NEW).

## Chapter 129: UNPROTECTED WELLS

### **§3901.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §23 (RP).

### **§3902.**

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §23 (RP).



## Chapter 131: MISCELLANEOUS CRIMES

### §3951. ABANDONMENT OF AIRTIGHT CONTAINERS

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §24 (RP).

### §3952. DANGEROUS KNIVES

*(REPEALED)*

SECTION HISTORY

1967, c. 42, (AMD). 1975, c. 499, §24 (RP).

### §3953. DISORDERLY CONDUCT

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §24 (RP).

### §3954. DISTURBANCE OF PUBLIC MEETINGS

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §24 (RP).

### §3955. DUMPING RUBBISH ON ANOTHER'S LAND

*(REPEALED)*

SECTION HISTORY

1975, c. 499, §24 (RP).

### §3956. ELECTRIC FENCES

No person or individual may sell, utilize, install or have installed within this State equipment, devices or methods whereby fence wires may be energized with electricity unless a standard type of controller is used, which has the approval of the Underwriter's Laboratories and carries such label thereon or has the approved listing of the Department of Industrial Cooperation at the University of Maine System. [1985, c. 779, §41 (AMD).]

Any violation of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

SECTION HISTORY

1985, c. 779, §41 (AMD).

### §3957. FAILURE TO REPORT TREATMENT OF GUNSHOT WOUNDS

*(REPEALED)*

SECTION HISTORY

1973, c. 567, §20 (AMD). 1975, c. 499, §24 (RP).

**§3958. FALSE ALARMS AND REPORTS****(REPEALED)**

## SECTION HISTORY

1971, c. 592, §37 (AMD). 1975, c. 499, §24 (RP).

**§3959. MARATHONS AND WALKATHONS****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §24 (RP). 1975, c. 659, (RP).

**§3960. PEEKING IN NIGHTTIME****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §24 (RP).

**§3961. PLACING OBSTRUCTIONS ON TRAVELED ROAD****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §24 (RP).

**§3962. REGULATION OF RADIO WAVES; DISTURBING RECEPTION**

It shall be unlawful to use any radio receiving set which radiates radio waves between 200 meters wave length and 550 meters wave length which causes interference with the reception of any other radio receiving set. Whoever knowingly, maliciously or wantonly by any means unreasonably disturbs the reception of radio waves used for radiotelephony, between 200 meters wave length and 550 meters wave length, shall be punished by a fine of not less than \$10 nor more than \$50, to be recovered by complaint in the District Court.

**§3963. RIDING WITH NAKED SCYTHE****(REPEALED)**

## SECTION HISTORY

1975, c. 499, §24 (RP). 1975, c. 536, §2 (RP).

**§3964. SETTLEMENTS OR RELEASES FROM INJURED PERSONS**

Except as provided in this section, no settlement or general release or statement either oral, in writing, or electronically recorded made by any person confined in a hospital or sanitarium as a patient with reference to any personal injuries for which that person is confined in that hospital or sanitarium is admissible in evidence, used or referred to in any manner at the trial of any action to recover damages for personal injuries or consequential damages, so called, resulting therefrom, which statement, settlement or general release was obtained within 30 days after the injuries were sustained and such settlement or release is null and void. This section does not apply to statements or releases obtained by police officers or inspectors of motor vehicles in the performance of their duty, members of the family of that person or by or on behalf of that person's

attorney. This section does not apply to agreements entered into pursuant to former Title 39 and approved by the former Workers' Compensation Commission or Title 39-A and approved by the Workers' Compensation Board. [1991, c. 885, Pt. E, §18 (AMD); 1991, c. 885, Pt. E, §47 (AFF).]

SECTION HISTORY

1971, c. 427, (AMD). 1973, c. 366, (AMD). 1973, c. 370, (AMD). 1977, c. 696, §366 (AMD). 1991, c. 885, §E18 (AMD). 1991, c. 885, §E47 (AFF).

**§3965. DEFACEMENT OF STATE FACILITIES; POSSESSION OF PAINT**  
**(REPEALED)**

SECTION HISTORY

1973, c. 162, (NEW). 1973, c. 316, (NEW). 1973, c. 625, §§93,95 (RP). 1975, c. 499, §24 (RP).

**§3966. ANIMALS IN FOOD STORES**

It is unlawful for any person to bring an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises. This section does not apply to a person requiring the services of a service animal. [2013, c. 264, §1 (AMD).]

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection 9-E. [2013, c. 264, §1 (AMD).]

SECTION HISTORY

1973, c. 625, §94 (NEW). 2005, c. 318, §1 (AMD). 2007, c. 664, §23 (AMD). 2011, c. 369, §9 (AMD). 2013, c. 264, §1 (AMD).

## Chapter 132: DEFINITIONS

### §4001.

(REPEALED)

#### SECTION HISTORY

1971, c. 539, §21 (NEW). 1971, c. 622, §§61-A (AMD). 1975, c. 499, §25 (RP).

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